FONTANA
CALIFORNIA

FINAL | OCTOBER 2020

Fontana Foothills Commerce Center Environmental Impact Report

Prepared for:
City of Fontana

Submitted by:
Michael Baker
INTERNATIONAL

City of Fontana

Fontana Foothills Commerce Center

Final Environmental Impact Report

SCH No. 2020040155

Lead Agency:

CITY OF FONTANA
PLANNING DIVISION
8353 SIERRA AVENUE
FONTANA, CA 92335
CONTACT: DITANYON JOHNSON

Preparer:

Michael Baker
INTERNATIONAL
3536 CONCOURS STREET, #100
ONTARIO CA, 91764
CONTACT: PETER MINEGAR
JN 177187

October 8, 2020

TABLE OF CONTENTS

TABLE

This page intentionally left blank.

1.0 INTRODUCTION

In accordance with the California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15088, the City of Fontana, as the lead agency, has evaluated the comments received on the Fontana Foothills Commerce Center EIR (Draft EIR) (State Clearinghouse No. 2020040155).

The Draft EIR for the proposed Fontana Foothills Commerce Center (the Project or Proposed Project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the CEQA Guidelines commenced on August 11, 2020 and concluded on September 25, 2020.

The Final EIR consists of the following components:

- Section 1.0 – Introduction
- Section 2.0 – Response to Comments
- Section 3.0 – Errata
- Section 4.0 – Mitigation Monitoring and Reporting Program

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes "significant new information" pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft EIR is not required.

2.0 RESPONSES TO COMMENTS

In accordance with the California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15088, the City of Fontana, as the lead agency, evaluated the written comments received on the Draft Environmental Impact Report (EIR) (State Clearinghouse No. 2020040155) for the Fontana Foothills Commerce Center (the Project or Proposed Project) and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the Project in accordance with CEQA Guidelines Section 15132.

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2.0-1 List of Public Agencies, Organizations, and Individuals Commenting on the Draft EIR

Comment Letter No.	Agency, Organization, or Individual	Letter Dated
Agencies		
1	State Clearinghouse and Planning Unit, Governor's Office of Planning and Research	September 29, 2020
2	City of Jurupa Valley	August 25, 2020
Organizations		
3	Golden State Environmental Justice Alliance	September 9, 2020
4	Sierra Club-San Gorgonio Chapter	September 24, 2020
Individuals		
5	Kim Bright	September 15, 2020
6	Rayman Martinez	September 15, 2020
7	Mark Velasco	September 15, 2020
8	Veronica T	September 15, 2020
9	Idaima Avila	September 15, 2020
10	Anonymous	September 15, 2020
11	Maria Delgado	September 15, 2020
Late Comment Letters[1]		
12	Inland Empire Biking Alliance	September 29, 2020

[1] Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received after the close of comment period (see CEQA Guidelines Section 15088), the City of Fontana has elected to prepare written responses to Comment Letter 12 with the intent of conducting a comprehensive and meaningful evaluation of the proposed project.

Fontana Foothills Commerce Center Project Draft EIR

Summary

SCH Number	2020040155
Lead Agency	Fontana, City of *(City of Fontana)*
Document Title	Fontana Foothills Commerce Center Project Draft EIR
Document Type	EIR - Draft EIR
Received	8/11/2020
Project Applicant	Real Estate Development Associates
Present Land Use	The development site is designated Residential - Planned Community (R-PC) and Walkable Mixed Use Downtown and Corridors (WMXU-1). The upzone site is designated Single-Family Residential (R-SF).
Document Description	The project consists of two sites, the development site and the upzone site. The development site consists of 12 contiguous parcels located on approximately 33.55 acres at the northeast quadrant of the intersection of Juniper Avenue and Jurupa Avenue. The second component of the project site is the upzone site, which consists of 19 parcels located on approximately 13.76 acres in the southwest quadrant of Merrill Avenue and Catawba Avenue. Overall, the project involves the development of a new logistics warehouse facility consisting of two warehouse and distribution buildings totaling 754,408 square feet, as well as associated infrastructure and utility improvements, parking, and landscaping on the development site. Pursuant to Senate Bill 300 (SB 330) requirements, 13.76 acres of land would be "upzoned" to offset the development site's lost dwelling unit potential. As currently proposed, the project would require the following discretionary approvals: General Plan Amendment (for the development site and upzone site), Specific Plan Amendment, Zone Change (for the development site and upzone site), Design Review, Tentative Parcel Map, and a Development Agreement.
Contact Information	DiTanyon Johnson City of Fontana 8353 Sierra Avenue Fontana, CA 92335 Phone : (909) 350-7608 djohnson@fontana.org

1-1

Location

Cities	Fontana
Counties	San Bernardino
Regions	Citywide
Cross Streets	Juniper Avenue and Jurupa Avenue/Merrill Avenue and Catawba Avenue
Zip	Various
Total Acres	Various
Jobs	631
Parcel #	Various
State Highways	SR-66

Railways	Union Pacific Railroad
Airports	N/A
Schools	Numerous
Waterways	N/A
Township	Var.
Range	Var.
Section	Var.
Base	SBBM
Other Location Info	The development site is located on approximately 33.55 acres located in the northeast quadrant of the intersection of Juniper Avenue and Jurupa Avenue. The upzone site is located on approximately 13.76 acres located in the southwest quadrant of Merrill Avenue and Catawba Avenue.

Notice of Completion

Review Period Start	8/11/2020
Review Period End	9/25/2020
Development Type	Residential (Upzone Site)(165 Units, 13.76 Acres) Industrial (Development Site)(754,408 Sq. Ft., 33.55 Acres, 631 Employees)
Local Action	General Plan Amendment, Rezone, Design Review, Other Action Specific Plan Amendment; Design Review; Tentative Parcel Map; Development Agreement
Project Issues	Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Economics/Jobs, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Greenhouse Gas Emissions, Housing, Job Generation, Minerals, Noise, Population/Housing Balance, Public Services, Recreation/Parks, Schools/Universities, Septic System, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Tribal Cultural Resources, Vegetation, Water Quality, Water Supply, Wetland/Riparian, Wildlife, Growth Inducing, Land Use, Cumulative Effects, Other, Energy and Wildfire
Reviewing Agencies	California Air Resources Board, California Department of Conservation, California Department of Fish and Wildlife, Inland Deserts Region 6, California Department of Forestry and Fire Protection, California Department of Parks and Recreation, California Department of Transportation, District 8, California Department of Water Resources, California Highway Patrol, California Native American Heritage Commission, California Natural Resources Agency, California Public Utilities Commission, California Regional Water Quality Control Board, Santa Ana Region 8, Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water

Attachments

Environmental Document

- Appendix A_Initial Study and NOP PDF 9554 K
- Appendix B_Air Quality, GHG, and Health Risk Assessment PDF 15695 K
- Appendix C_Habitat Assessment PDF 3881 K
- Appendix D_Cultural and Paleontological Resources Assessment PDF 18607 K
- Appendix E_Geotechncial Investigation PDF 10335 K
- Appendix F_Phase I ESA PDF 57193 K
- Appendix G_Water Quality Management Plan PDF 71539 K
- Appendix H_Noise Impact Analysis PDF 8712 K
- Appendix I_Traffic Impact and VMT Memo PDF 48825 K
- Appendix J_Water Supply Assessment PDF 4099 K
- City of Fontana_Foothills Commerce Center Draft EIR_August 2020 PDF 18981 K
- Fontana Foothills EIR_NOA_081020_OPR PDF 499 K

1-1 contd

NOC Fontana Foothills_NOC_081020 - signed PDF 500 K

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit OPR's Accessibility Site.

1-1 cont'd

RESPONSE NO. 1

State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
September 29, 2020

1-1 This comment includes a copy of the online State Clearinghouse CEQAnet database summary for the project (SCH No. 2020040155). The summary acknowledges that public review started on August 11, 2020 and ended on September 25, 2020. During the public review period, no State agency letters were received by the State Clearinghouse.

City of Jurupa Valley

August 25, 2020

Mr. DiTanyon Johnson, Senior Planner
City of Fontana, Planning Division
8353 Sierra Avenue
Fontana, CA 92335

SUBJECT: FONTANA FOOTHILLS COMMERCE CENTER PROJECT

Mr. DiTanyon Johnson:

The City of Jurupa Valley is opposed to the above project and believes the Traffic Impact Analysis (TIA) report, prepared by Urban Crossroads and dated April 23, 2020, incorrectly assigns project truck traffic to and from the south along Sierra Avenue and along Santa Ana Avenue to the east.

Specifically, Sierra Avenue south of Jurupa Avenue is not a designated truck route in either the City of Fontana or the City of Jurupa Valley and is posted with a 5-ton weight restriction. Therefore, trucks are not legally allowed to use that roadway to access the SR60 corridor. The TIA also routes trucks along Santa Ana Avenue in Fontana, which is also not a designated truck route. The TIA incorrectly assigns 14% of the project trucks along Sierra Avenue to the south and 8% of the project truck traffic along Santa Ana Avenue to the east. This erroneous distribution of truck traffic not only assigns traffic to routes that are not legally allowed for daily truck traffic, but the incorrect assignment may underestimate the traffic impacts at other area intersections. 2-1

Even though the project site is located just north of the boundary with the City of Jurupa Valley, there was no analysis in the TIA of traffic conditions within the City. While we understand that there may a limited number of project-related vehicles that may use Sierra Avenue to access the site, it is unlikely that only 1% of the passenger car traffic as shown in the TIA would use this access route. 2-2

The Sierra Avenue corridor at (and near) the SR-60 interchange is already a heavily congested area with a high daily volume of traffic from Fontana residents using the corridor as a commuter route. The project and the City of Fontana need to make sure that project truck traffic is not contributing to this congestion and ignoring the weight restrictions that are currently in place for Sierra Avenue by allowing trucks to approach and depart the site using Sierra Avenue south of Jurupa Avenue. While eastbound Jurupa Avenue is currently posted with a 'Truck Route' (R14-1) sign just west of the Jurupa Avenue intersection indicting that the approved truck route is to the north, the sign is small and not readily legible until a driver is very near the intersection. At a minimum, in addition to the existing truck route sign, the intersection and its approaches should be marked with signage indicating trucks over 5 tons MUST turn the appropriate direction (right for southbound and left for eastbound) to stay on the designated truck routes in Fontana. 2-3

8930 Limonite Ave., Jurupa Valley, CA 92509-5183
Phone: (951) 332-6464, FAX (951) 332-6995
www.jurupavalley.org

Respectfully,

Thomas G. Merrell

Thomas G. Merrell, AICP
PLANNING DIRECTOR

8930 Limonite Ave. Jurupa Valley, CA 92509 - (951) 332-6464
www.jurupavalley.org

RESPONSE NO. 2

Thomas G. Merrell, AICP
Planning Director
City of Jurupa Valley
August 25, 2020

2-1 The commenter states that the City of Jurupa Valley opposes the proposed project and believes that the -*Fontana Foothills Commerce Center Traffic Impact Analysis* (Development Site TIA), prepared by Urban Crossroads, dated April 23, 2020 incorrectly assigns project truck traffic to and from the south along Sierra Avenue and along Santa Ana Avenue to the east. Specifically, the commenter states that Sierra Avenue south of Jurupa Avenue is not a designated truck route in either the City of Fontana or the City of Jurupa Valley and is posted with a 5-ton weight restriction. For this reason, the commenter states that trucks are not legally allowed to use those roadways to access the SR-60 corridor. The commenter also states that the Development Site TIA incorrectly routes trucks along Santa Ana Avenue in Fontana, which is not a designated truck route. Last, the commenter states that the project incorrectly assigns 14 percent of the project trucks along Sierra Avenue to the south and 8 percent of project truck traffic along Santa Ana Avenue to the east. According to the commenter, this distribution "not only assigns traffic to routes that are not legally allowed for daily truck traffic, but the incorrect assignment may underestimate the traffic impacts at other area intersections."

The City disagrees with the commenter that the Development Site TIA includes incorrect information and assumptions regarding truck traffic distribution. Although Sierra Avenue south of Jurupa Avenue and Santa Ana Avenue are not identified as truck routes for the City of Fontana and the City of Jurupa Valley, these truck distribution patterns were utilized in order to be consistent with the truck trip distribution patterns utilized for other approved projects within the City in the immediate vicinity of this project, including a site on Jurupa Avenue and west of Cypress and the Goodman Commerce Center Project. It should be noted that 14% and 8% of the trucks results in the following truck trips:

- 14% = 3 AM peak hour truck trips and 2 PM peak hour truck trips
- 8% = 2 AM peak hour truck trips and 1 PM peak hour truck trip

In total, there are approximately 4 AM and 4 PM peak hour truck trips. Based on the peak hour operations analysis for Existing Plus Project (E+P) traffic conditions, it is unlikely that the addition of 4 AM and PM peak hour truck trips (11 AM and 10 PM PCE-based peak hour trips) would result in any direct project impacts, as all of the study area intersections are shown to operate at LOS C or better in the traffic study for E+P traffic conditions (well above the 35.0 second delay threshold for LOS C). Furthermore, it is unlikely that the addition of these truck trips would result in new cumulative impacts and the proposed improvements as identified in the Development Site TIA are anticipated to support the additional 4 AM and PM peak hour truck trips and maintain acceptable peak hour operations.

However, although the TIA is informative for the analysis, it supports an outdated method of analysis for traffic impacts under CEQA. On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law, which initiated a process to change transportation impact analyses completed in support of CEQA documentation. SB 743 eliminates level of service (LOS) as a basis

for determining significant transportation impacts under CEQA and provides a new performance metric, vehicle miles travelled (VMT). The Development Site TIA does not support the VMT analysis conducted for the project as required by CEQA. Thus, this comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)" The City will provide the comments to the City's Engineering Department and will consider the information provided by the commenter during project deliberations.

2-2 The commenter expresses concern regarding the lack of inclusion of traffic conditions within the City of Jurupa Valley. Specifically, the commenter states that it is unlikely that only 1 percent of passenger car traffic would use Sierra Avenue. The peak hour operations analysis conducted for the Development Site TIA uses passenger car equivalent (PCE), resulting in 8 AM PCE trips and 10 PM PCE trips. This is well below the City of Fontana's 50 peak hour trip criteria for establishing study area intersections and to determine whether a full traffic impact analysis is needed per Jurupa Valley's latest traffic study guidelines. Given that the project would not meet the 50-peak hour trip threshold, development of the project is not anticipated to adversely impact traffic conditions within the City of Jurupa Valley. As such, the City affirms that the Development Site TIA sufficiently analyzes the proposed project's traffic impacts affecting both the City of Jurupa Valley and City of Fontana.

2-3 The commenter states that the project and the City should ensure that project truck traffic will not contribute to existing congestion nor ignore weight restrictions for Sierra Avenue south of Jurupa Avenue. The commenter also states that the intersection at Sierra Avenue and Jurupa Avenue should at a minimum should be marked with signage indicating trucks over 5 tons must turn the appropriate direction to stay on the designated truck routes within the City of Fontana. Refer to Response to Comment 2-1.

Golden State Environmental Justice Alliance
Green Jobs & Clean Communities
P.O. Box 79222
Corona, CA 92877

September 9, 2020

VIA EMAIL

DiTanyon Johnson, Senior Planner
Community Development Department – Planning Division
City of Fontana
8353 Sierra Avenue, Fontana, CA 92335
DJohnson@fontana.org

SUBJECT: COMMENTS ON FONTANA FOOTHILLS COMMERCE CENTER PROJECT EIR (SCH NO. 2020040155)

To whom it may concern:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Fontana Foothills Commerce Center Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 3-1

1.0 Summary

As we understand it, the project proposes the construction and operation of two warehouse and distribution buildings totaling 754,408 square feet on the 33.55 acre project site. Pursuant to Senate Bill (SB) 330 requirements, 13.76 acres of land would be "upzoned" to offset the 3-2

development site's lost dwelling unit potential. The warehouse site proposes the construction and operation of two warehouse buildings totaling 754,408 square feet, inclusive of approximately 18,000 square feet of office space. The area of Building 1 is 432,569 square feet with 57 dock doors and the area of Building 2 is 321,839 square feet with 45 dock doors. The maximum building height for either building would be 60 feet. The project proposes 337 passenger vehicle parking spaces and 152 trailer parking spaces. The existing General Plan Land Use designations for the warehouse site are R-PC (28.92 ac) and WMXU-1 (4.62 ac). The existing Zoning designations are R-PC and FBC. The project proposes a General Plan Amendment to change the land use designation to General Industrial (I-G). The project proposes a Specific Plan Amendment and Zone Change to rezone the warehouse site as within the Southwest Industrial Specific Plan - Slover East Industrial District.

The following discretionary actions are proposed for implementation of the project:

1. General Plan Amendment (GPA 19-000007) proposes to amend the existing land use designation for all parcels within the development site from R-PC/WMXU-1 to General Industrial (I-G).
2. Specific Plan Amendment (SPA 19-000011) proposes to amend the Southwest Industrial Park (SWIP) Specific Plan to expand the SWIP boundary to include the Project site. The Project site would be incorporated into the SWIP's Slover East Industrial District.
3. Zone Change (ZCA 19-000005) proposes to change the City of Fontana zoning classification for all parcels in the warehouse site from R-PC and FBC to Specific Plan (Southwest Industrial Park).
4. Design Review (DPR 19-000036) proposes a development plan for the Project site that provides for the construction and operation of two warehouse and distribution buildings with a total of 754,408 SF, inclusive of approximately 18,000 SF of office space. The area of Building 1 would be 432,569 SF with 57 dock doors and the area of Building 2 would be 321,839 SF with 45 dock doors.
5. Tentative Parcel Map (TPM 19-000018) proposes to consolidate all 12 parcels on the development site and re-subdivide the site into two legal parcels.
6. Development Agreement pursuant to California Government Code Sections 65864- 65869.5.
7. Zone Change (ZCA 20-008) to amend the Zoning District Map to change the zoning of 13.76 acres of land at the upzone site from R-1 to R-2 to offset the potential loss of housing units resulting from the Zone Change from the R-PC to Specific Plan (Southwest Industrial Park), in compliance with the requirements of SB 330.
8. General Plan Amendment (GPA 20-009) to amend the existing land use designation for all parcels within the upzone site from R-SF to R-M.

3-2 (cont'd)

1.1 Project Description

The Project Description states that "the project's earthwork activities are *expected* to be balanced and no import or export of soils would be required." There is no mechanism for public verification of this conclusion, such as a grading plan, included in the EIR. Further, the EIR utilizes uncertain language by stating that grading is *expected* to balance on site. The EIR must be revised to include a grading plan to support the conclusion that the project will not require import or export of soil/material. This is especially vital as Appendix E - Geotechnical Investigation concludes the existing onsite soil have moderate potential for consolidation/ collapse.

The Project Description is misleading to the public and decision makers. It describes the WMXU-1 as a "land use designation allows for medium- to high-density residential uses, retail and services, office, entertainment, education and civic uses, with a maximum 2.0 floor area ratio," implying that overall project site FAR is 2.0. The General Plan specifically states that "WMXU1 residential densities range from 24 to 39 du per acre and *non-residential* uses have a maximum Floor Area Ratio of 2.0." There is clearly no maximum FAR for residential uses in WMXU-1. The Project Description also fails to give the maximum density of WMXU-1 which would enable the public and decision makers to calculate the number of required replacement units per SB 330. This does not comply with CEQA's requirements for meaningful disclosure (CEQA § 15150 (f)). The EIR must be revised to include this information to be a reliable informational document (CEQA § 15121). 3-3

1.2 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The EIR describes the construction and operation of the warehouse project as well as the upzoning of a residential replacement site. The EIR maintains throughout that there are no construction plans to develop the residential replacement site, yet still provides relevant technical analysis for each required section. Since the replacement site would be a future residential infill construction project, it would be exempt from future CEQA review pursuant to CEQA § 15183. Even though there may not be a formal development application submitted, streamlined development of the site is part of the whole action. CEQA § 15165 requires that where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger 3-4

project, an EIR must address itself to the scope of the larger project. The upzoning of the replacement site is a necessary precedent for action on the larger project - development of the proposed warehouse site. The EIR must be revised to comply with CEQA § 15165 by preparing a Program EIR pursuant to CEQA § 15168.

3-4 (cont'd)

4.2 Air Quality

The EIR includes the following Mitigation Measure AQ-1:

AQ-1 Prior to issuance of building permits, the City Planning Department shall confirm on the project site plans that cold storage and facilities for Transport Refrigeration Units (TRUs) are not proposed. If it is determined that the proposed project would require TRUs or cold storage in the future, an amendment would be required to the project's entitlements to ensure such uses are analyzed in compliance with applicable laws and regulations.

However, MM AQ-1 represents deferred mitigation in violation of CEQA. The project construction plans will not be circulated available for public review and comment through this MM, which is implementation of the project without CEQA review. This also does not comply with CEQA's requirements for meaningful disclosure (CEQA § 15150 (f)). The EIR must be revised to model at least 50% of the proposed warehouse space as refrigerated/cold storage. This is especially necessary because cold storage is permitted by right in the SWIP Specific Plan.

3-5

The CalEEMod output sheets do not accurately model the proposed project. The analysis models 404 parking spaces while a total of 489 parking spaces are proposed (including truck stalls). Further, the operations analysis only models an accurate number of vehicle trips and VMT in accordance with the Traffic Analysis for weekdays. The CalEEMod analysis reduces Saturday and Sunday trips and VMT without explanation or supporting evidence that weekend trips will actually be less than weekday trips.

<u>CalEEMod Trip Summary Operations - Passenger Cars</u>
Weekday 716.01
Saturday 479.88
Sunday 444.20

<u>CalEEMod Trip Summary Operations -Trucks</u>
Weekday 341.97
Saturday 229.26

3-6

Sunday 212.14

Traffic Appendix: Table 4−1 Project Trip Generation Summary (Actual Vehicles)
Passenger Cars 716
Trucks 342

The Traffic Analysis does not give weekend credits or include any analysis that weekend trips will be less than weekday trips. The CalEEMod analysis presents unduly low operations emissions and VMT generated by the proposed project and must be revised to utilize the Traffic Analysis trip generation.

The CalEEMod output sheets also indicate that the vendor trip length is 6.90 miles for all phases of construction. The EIR does not provide information regarding where the construction materials are coming from or if they are all coming from the same location during all phases. The same is true for the worker trip length at 14.70 miles for all phases of construction. A revised EIR must be prepared which includes supporting evidence demonstrating the worker and vendor trip length to be utilized for analysis.

3-6 (cont'd)

Section 18-63 of the Fontana Municipal Code permits construction activity between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. Saturday. The EIR does not provide a "worst-case scenario" analysis of construction equipment emitting pollutants for the legal 11 hours per day, 5 days per week and 9 hours on Saturday. It is legal for construction to occur for much longer hours (11 hours per day permitted while 8 hours per day analyzed) and an additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. The EIR must be revised with Air Quality modeling to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

3-7

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071002601) ranks worse than 75% of the state overall. The project's census tract is in the 99th percentile for

3-8

pollution burden, meaning it is in the most polluted ranks of all census tracts in the state of California. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of ozone than 98% of the state, more PM 2.5 than 94% of the state, more solid waste impacts than 95% of the state. and more hazardous waste impacts than 91% of the state.

The project's census tract is a diverse community including 70% Hispanic residents, 7% African-American residents, and 7% Asian residents. The census tract also includes 17% children under age 10, which are especially vulnerable to the impacts of pollution. Also, 74% of the population over age 25 has less than a high school education, which is an indication that they may lack health insurance or access to medical care.

3-8 (cont'd)

Further, the Health Risk Assessment sources SCAQMD's Permit Application Package N[1] as the standard for residential, worker, and school child modeling analysis. However, the HRA has not modeled in accordance with Package N. Table 4.1E notes that fraction of time at home for ages 0.25 - 0 years shall be modeled as 1.0. The EIR models this factor as 0.85, reducing exposure for this age bin. The same is true for ages 0 - 2 and ages 2 - 16. Additionally, ages 16 - 30 are modeled in the EIR as 0.72 time at home with Package N notes 0.73 time at home. It must also be noted that ages 16 - 30 (Table 4 of HRA) must be revised to model ages 16 - 70 in accordance with Package N.

The EIR concludes that maximum incremental cancer risk attributable to project DPM source emissions is estimated at 5.86 in one million for residential receptors. The EIR does not state that this analysis is based on a 70 year amortized modeling scenario, which is the maximum modeling scenario in Package N. The EIR must be revised to include modeling for all residential scenarios in Package N, including 2 year, 5 year, 9 year, and 30 year modeling scenarios in order to adequately analyze the incremental cancer risk attributable to the project.

3-9

The worker analysis must also be revised to comply with Package N. The worker analysis is averaged over a 70 year period (Table 5 of HRA) while the exposure is supposed to be concentrated over a 25 year period. Further, the worker analysis does not include Package N's required weight adjustment factor (WAF) of 1.0 for operations 24 hours a day, 7 days per week.

[1] SCAQMD Permit Application Package N http://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/attachmentn-v8-1.pdf?sfvrsn=4

The EIR must be revised to include these changes in modeling in order to adequately analyze the incremental cancer risk attributable to the project. 3-9 (cont'd)

4.3 Biological Resources

According to the Biological Resources Appendix, a habitat field survey was conducted on October 5, 2019. It is important to note that the survey concludes that burrowing owls have a moderate potential to occur onsite and suitable habitat is present even though the entire site was unable to be surveyed on foot. The site was only surveyed "where access allowed" and "several locked gates required binoculars for assessment." Regardless, suitable burrows were found throughout the site, which highlights the potential for burrowing owl to occur. The timing and number of field investigations were not conducted in accordance with the Department of Fish and Game's 2012 Staff Report on Burrowing Owl Mitigation. The 2012 Report concludes that "current scientific literature indicates that it is most effective to conduct breeding and non-breeding season surveys and report in the manner that follows:

Breeding Season Surveys 3-10

Number of visits and timing. Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June."

The field investigations conducted as part of the Biological Resources analysis were not completed at times most effective as noted in the 2012 Report. The investigations conducted zero site visits between 15 February and 15 April. Only one site visit was conducted while the 2012 Report lists four total visits (each visit three weeks apart) as most effective. The site survey was not conducted in accordance with the most effective practices outlined by the 2012 Report. A revised EIR must be prepared which includes focused burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report for public review. A site map noting the location and quantity of observed burrows must also be included.

4.7 Greenhouse Gas Emissions

Again, the flawed CalEEMod vehicle trips and VMT operational modeling presents unduly low GHG emissions. The reduced weekend trips for passenger cars and trucks results in significantly lower mobile source emissions of CO2, which directly contributes to total CO2e. The CalEEMod operational vehicle trip modeling must be revised to include 716 daily passenger car trips (weekday and weekends) and 342 daily truck trips (weekday and weekends) in order to 3-11

adequately and accurately analyze the project's significant GHG emissions impacts. This is vital as mobile source emissions for passenger cars and trucks account for 77.75% of total project CO2 emissions and 73.8% of total project MTCO2e emissions.

3-11 (cont'd)

4.10 Land Use and Planning

The analysis is misleading and does not comply with CEQA's requirements for meaningful disclosure. The EIR does not provide a density calculation anywhere in the document to support the statement that 155 replacement dwelling units will be required pursuant to SB 330. The following density calculations yield a total of 266 replacement dwelling units required:

Development Site - Existing Land Use
R-PC (3 du/ac) = 28.92 ac x 3 = 86 units
WMXU-1 (39 du/ac) = 4.62 ac x 39 = 180 units
Total: 266 units

Upzone Site - Proposed Land Use
R-M/R-2 (7.6 du/ac detached units; 12 du/ac attached units)
13.76 ac x 7.6 = 104 units
13.76 ac x 12 = 165 units

3-12

165 replacement units is not enough to accomodate the project site's capacity of 266 units. The up-zone site as proposed will result in a net loss of 101 dwelling units. Further, the EIR relies on the development of the up-zone site with attached units at the higher density calculation. However, there is no requirement of the project site to build attached units and the site could be developed with 104 detached units, resulting in a net loss of 162 dwelling units. The EIR does not disclose this possible development scenario which is misleading to the public and decision makers. This will result in a significant impact to Land Use and Planning while also violating SB 330.

The EIR also provides misleading statements when describing the existing land use and zoning designations of the development site by stating that "the General Plan WMXU-1 land use designation allows for medium- to high-density residential uses, retail and services, office, entertainment, education and civic uses, with a maximum 2.0 floor area ratio." The GP states verbatim "WMXU-1 residential densities range from 24 to 39 du per acre and non-residential uses have a maximum Floor Area Ratio of 2.0." The EIR intentionally leaves out vital

3-13

information (density calculation) for the WMXU-1 portion of the project site to reduce the number of replacement dwelling units required. It also states there is a maximum 2.0 floor area ratio without noting that requirement is only for nonresidential uses, which leads the public and decision makers to believe the residential development opportunity on the WMXU-1 portion of the site is much lower than can actually be developed. The EIR is inadequate as an informational document and must be revised to comply with CEQA's requirements for meaningful disclosure (CEQA § 21003). 3-13 (cont'd)

Table 4.10-1: Project Consistency with the General Plan is erroneous and misleading to the public and decision makers. For example, the EIR concludes that the project is consistent with Goal 1, Policy 3 of Building a Healthier Fontana (Chapter 6 of the General Plan) to improve air quality and actively discourage development that may exacerbate asthma rates even though the project will result in significant and unavoidable Air Quality impacts (Project-level and cumulative operational nitrous oxide (NOX) emissions and Inconsistency with an applicable air quality plan). The WMXU-1 land use designation was created as part of the GP Update to encourage healthy, active development that would reduce air quality impacts with an emphasis on asthma reduction. It is vital for this analysis to include discussion regarding the significant Air Quality impacts of the proposed General Plan Amendment. 3-14

Additionally, the EIR finds that the project is consistent with Goal 2, Policy 2 of Chapter 9 - Community Mobility and Circulation to support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks. This is erroneous as the Project Description states that "main truck access would be available on Juniper Avenue, with a secondary access on Jurupa Avenue." Juniper Avenue is not a designated truck route but will operate as the main truck access point for the site, which is not consistent with the listed policy. The project also directly conflicts with Goal 4 of Chapter 12 - Sustainability and Resilience to reduce GHG emissions by 2030 since it will result in significant and unavoidable Greenhouse Gas Emissions (Project-level and cumulative GHG emissions and Inconsistency with an applicable GHG reduction plan). 3-15

The EIR also finds that the project is consistent with Goal 5, Policy 1 of Chapter 15 - Land Use, Zoning, and Urban Design to promote the Southwest Industrial Park and the I-10 corridor as preferred locations for industrial uses because "the project would be incorporated into the Southwest Industrial Park and expand its boundaries." This is misleading as Goal 5, Policy 2 of Chapter 15 aims to "maintain but do not expand existing heavy industrial land use areas in proximity to one another" and Action B, Policy 2 of Chapter 15 states to "direct new industrial 3-16

development to SWIP in order to build out this area designated for industrial development." The EIR is misleading in that it concludes it is consistent with the Goals, Policies, and Actions of the General Plan by expanding the boundaries of the SWIP without fully analyzing the project in accordance with all related Goals, Policies, and Actions. The EIR does not state if the SWIP is already built out, and it does not acknowledge or analyze that the proposed project will expanding heavy industrial land use areas in proximity to one another. Overall, the analysis throughout the Land Use and Planning section excludes any statement that identifies the conflict between the existing land use designations and the proposed project. The analysis presented in the EIR is misleading, incomplete, and does not adequately analyze the proposed project in accordance with all related Goals, Policies, and Actions of the General Plan. This analysis must be completed and a finding of significance must be made in a revised EIR that is recirculated for public review in order for the EIR to be an adequate informational document (CEQA § 15121). 3-16 (cont'd)

Table 4.10-2: Project Consistency with 2016 RTP/SCS Goals is also erroneous and misleading to the public and decision makers. For example, the EIR concludes that the project is consistent with Goal 2 to maximize mobility and accessibility for all people and goods in the region because "the project would not create substantial traffic impediments and would improve the accessibility of goods to the surrounding area." This is erroneous as the EIR finds the project will result in significant and unavoidable Transportation impacts (Project-level and cumulative vehicle miles traveled). The same is true for Goal 4 to preserve and ensure a sustainable regional transportation system and Goal 5 to maximize the productivity of our transportation system. 3-17

Further, the EIR finds the project is consistent with Goal 3 to ensure travel safety and reliability for all people and goods in the region even though main truck access for the project site will be taken from Juniper Avenue, which is not a truck route, and may result in substantial safety hazards to motorists or pedestrians. The EIR finds the project is also consistent with Goal 6 to protect the environment and health for our residents by improving air quality and encouraging active transportation. This is erroneous as the EIR finds the project will result in significant and unavoidable Air Quality impacts (Project-level and cumulative operational nitrous oxide (NOX) emissions and Consistency with an applicable air quality plan) and Greenhouse Gas Emissions (Project-level and cumulative GHG emissions and Consistency with an applicable GHG reduction plan). 3-18

The EIR ultimately concludes that based on analysis in Table 4.10-2 and further analysis in Section 4.2, Air Quality and 4.13, Transportation, "implementation of the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of 3-19

avoiding or mitigating an environmental effect, including the General Plan, SWIP Specific Plan, Municipal Code, and 2016 RTP/SCS." This statement is entirely misleading and erroneous while conflicting with the findings of significance made in the EIR. As stated above, the project will result in significant and unavoidable impacts to Air Quality, GHG, and Transportation. It is also inconsistent with the General Plan and 2016 RTP/SCS as analyzed above. The 2016 RTP/SCS is notably adopted for the purpose of avoiding or mitigating an environmental effect, as required by California law (SB 375 to reduce greenhouse gas emissions), detailed through the plan itself and Resolution No. 16-578-2 adopting the plan[2]. The EIR is wholly inadequate as an informational document and misleading to the public and decision makers. A revised EIR must be prepared which includes this analysis and a finding of significance must be made.

3-19 (cont'd)

4.13 Transportation

The study area for the proposed project includes analysis of four future onsite project driveways and six intersections in the immediate vicinity (0.75 miles or less) of the site. The EIR is arbitrary and capricious in that it excludes for analysis its potentially significant impacts on all transportation facilities that will provide access to the project site during operations. For example, truck routes serving the site on Citrus Ave., Slover Ave., and Sierra Ave. are not analyzed. The EIR does not provide any information regarding analysis of freeway mainline segments or freeway merge/diverge interchanges. The EIR must be revised and circulated for public review to include analysis of the following transportation facilities providing direct access to the project site:

Freeway Merge/Diverge
I-10 at I-15
I-10 at I-215
I-215 at SR-210
I-215 at I-15
I-15 at SR-210

Freeway Mainline
I-15 from I-215 junction to I-10 junction
I-215 from I-15 junction to I-10 junction

3-20

[2] SCAG 2016 RTP/SCS http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf

Freeway On/Off Ramps
I-10 at Sierra Ave.
I-10 at Citrus Ave.

Intersections
Slover Ave. at Sierra Ave.
Slover Ave. at Juniper Ave.
Slover Ave. at Cypress Ave.
Slover Ave. at Citrus Ave.
Citrus Ave. at Santa Ana Ave.

This is especially vital for analysis since the I-215 and I-15 provide direct access to the project site from the Southern California Logistics Airport.

3-20 (cont'd)

5.0 Effects Found Not To Be Significant

Population and Housing
The EIR states that "SCAG's demographics forecasts the number of jobs in Fontana is anticipated to grow from 47,000 in 2012 to 70,800 in 2040," rendering the project's 631 employees insignificant. However, SCAG's 2016 RTP/SCS is developed based on existing General Plan land use designations in each jurisdiction. The project requires a GPA to be implemented. The proposed project is not consistent with the RTP/SCS because it changes the General Plan land use, resulting in the project's 631 employees exceeding the RTP/SCS projection. The EIR does not present a cumulative analysis either regarding other employment generating projects that required a GPA, such as Goodman Logistics Center III adjacent to the proposed project site. The EIR must be revised to include a finding of significance for this impact to population and housing.

3-21

7.0 Growth Inducing Impacts

The EIR concludes there will not be a significant growth inducing impact because the required entitlements (GPA, Zone Change, Specific Plan Amendment, etc) to implement the proposed project are "commonly undertaken on a regular basis by many jurisdictions." The EIR does not provide a CEQA exemption for this reasoning or evidence that these changes will not actually set precedence and induce growth. This reasoning is especially illogical since Fontana is a general

3-22

law city and limited to approving a maximum of four General Plan Amendments annually (Cal. Govt Code § 65358). 3-22 (cont'd)

8.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - development in accordance with the existing land use designations and a 33% reduced project size. The EIR does not evaluate a reasonable range of alternatives as only two alternative beyond the required No Project alternative are analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to not significant levels. 3-23

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. 3-24

Sincerely,

Board of Directors
Golden State Environmental Justice Alliance

RESPONSE NO. 3

Board of Directors
Golden State Environmental Justice Alliance
September 9, 2020

3-1 This introductory comment requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for the proposed project. As such, the Golden State Environmental Justice Alliance has been incorporated into the City's public interest list for the proposed project and will be notified of any subsequent environmental documents, public notices, public hearings, and notices of determination for the project, as requested. No further response is required.

3-2 This comment includes a general summary of the proposed project and does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted.

3-3 The commenter opines that the project description "must be revised include a grading plan to support the conclusion that the project will not require import or export of soil/material" since there is no mechanism for public verification that the project's earthwork activities would be balanced. The project's Grading Plan, including anticipated soils import/export information, discloses that earthwork would be balanced and its incorporation into the Project Description is not necessary for the City of Fontana to make an environmentally informed decision on the project. (CEQA Guidelines Section 15147 states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided.) The Project Description's statement that earthwork would be balanced is further supported on page 5 of the *Geotechnical Investigation, Two Proposed Commercial/Industrial Buildings NEC Jurupa Avenue and Juniper Avenue, Fontana, California* (Geotechnical Investigation), prepared by Southern California Geotechnical, Inc., dated April 22, 2020, which states that although the project's preliminary grading plans were not available at the time of Geotechnical Investigation, the proposed buildings are not expected to incorporate any significant below-grade construction such as basements or crawl spaces. No changes are necessary nor required in this regard.

The commenter also states that the Project Description is "misleading to the public and decisionmakers" since the Walkable Mixed-Use Downtown and Corridors (WMXU-1) land use designation is described as "land use designation allows for medium- to high-density residential uses, retail and services, office, entertainment, education and civic uses, with a maximum 2.0 floor area ratio," implying that overall floor area ratio (FAR) for the development site is 2.0. According to the commenter, the General Plan does not disclose a maximum FAR for residential uses within the WMXU-1 designation. It should be noted that pursuant to SB 330 the development site's dwelling unit potential is calculated based on the site's land use designation and zoning that was in effect as of January 1, 2018. On January 1, 2018, the development site was designated and zoned Residential Planned Community (R-PC) (3.0 - 6.4 dwelling units/acre) and General Commercial (C-2) (0.1 - 1.0 FAR). The land use designation and zoning for all parcels within the development site were amended to R-PC/WMXU-1 and RPC, respectively, as part of the *City of Fontana General Plan Update 2015-2035* (General Plan), which was adopted by the City Council on November 13, 2018. As a result, the City affirms that the dwelling unit potential of the development site and upzone site are correctly calculated based on the land use designations and

zoning ordinances in effect on January 1, 2018. This clarification has been made to page 3.0-1 of the Draft EIR and is reflected below and in Section 3.0, *Errata*, of the Final EIR.

Page 3.0-1, Section 3.1, Overview

> Pursuant to Senate Bill (SB) 330, also known as the Housing Crisis Act of 2019, which was signed into law on October 9, 2019, a local agency is prohibited from disapproving, or conditionally approving in a manner that renders infeasible, a housing development project for very low-, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. Further, Government Code Section 66300(b)(1)(A) stipulates that agencies shall not "chang[e] the general plan land use designation, specific plan land use designation, or zoning…to a less intensive use… below what was allowed under the land use designation and zoning ordinances in effect on January 1, 2018." For purposes of Government Code Section 66300(b)(1)(A), a "less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any changes that would lessen the intensity of potential housing development. Pursuant to SB 330, replacement capacity for any displaced residential units must be provided at the time of project approval based upon the land use designations and zoning ordinances in effect on January 1, 2018. Thus, the project also includes a residential upzone (upzone site) located at the southwest quadrant of Merrill Avenue and Catawba Avenue to replace the displaced dwelling unit potential at the proposed warehouse development site.

This change provides a minor update, correction, or clarification and does not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

3-4 The commenter states that the Draft EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment," and specifically, that the Draft EIR maintains throughout that there are no construction plans to develop the residential replacement site, yet still provides relevant technical analysis for each required section. The Draft EIR complies with CEQA in that the project description is described to the extent that the information was available.

According to CEQA Guidelines Section 15146, analysis of construction projects (i.e. the development site) which is considered at a project-level will necessarily be more detailed in the specific effects of the project, whereas analysis of non-construction projects (the upzone site) which is considered programmatically should focus on the secondary effects that can be expected and the analysis need not be as detailed. Consequently, including detailed analysis of the upzone site at this time would only be speculative, a practice which CEQA discourages (see CEQA Guidelines Section 15145) because it does not provide reliable information regarding environmental impacts to the public and decision-makers.

The commenter also states that since the upzone site would be a future residential infill construction project, it would be exempt from future CEQA review pursuant to CEQA Guidelines

Section 15183. CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. However, even if the City considers the use of CEQA Guideline Section 15183 when considering any future residential infill construction projects, CEQA establishes several eligibility criteria to qualify for streamlining procedures as an infill project. Specifically, CEQA Guidelines Section 15183.3 states that an infill project must:

1) *Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;*

2) *Satisfy the performance standards provided in Appendix M; and*

3) *Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in subdivisions (b)(3)(A) or (b)(3)(B) below.*

    A. *Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet, in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75.*

    B. *Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a small walkable community project in subdivision (f)(5).*

CEQA Guidelines Appendix M includes several performance standards for infill projects, including standards related to renewable energy, solid and water remediation, vehicle miles travelled, proximity to major transit stops or high-quality transit corridors, and low-income housing. As a result, the City of Fontana affirms that future infill project would be subject to environmental review under CEQA, including, if appropriate, environmental review in compliance with CEQA Guidelines Section 15183.3.

The commenter further states that the Draft EIR must be revised to comply with CEQA Guidelines Section 15165 by preparing a Program EIR pursuant to CEQA Guidelines Section 15168. The Draft EIR currently functions as a Program EIR in that it has examined the "later activity" (i.e. upzone site development) to the extent possible using all available information and without speculation, considering that there currently are no reasonably foreseeable plans to sell or develop the properties associated with the upzone site; as such, the Draft EIR has determined that an additional environmental document must be prepared at the time of development, pursuant to CEQA Guidelines Section 15168(c), as is stated throughout the Draft EIR.

3-5 The commenter states that Mitigation Measure AQ-1 (confirmation on the project site plans that cold storage and facilities for Transport Refrigeration Units (TRUs) are not proposed under the project) represents deferred mitigation in violation of CEQA and that the project construction plans will not be circulated or available for public review and comment through this measure, which is implementation of the project without CEQA review. As stated on Draft EIR page 3.0-35 and Draft EIR Exhibit 3.0-9, the project does not propose and is not designed for cold storage uses. The Draft EIR properly analyzes the project as proposed. However, because the lack of cold storage in the project is an important feature to the City, the Draft EIR includes a mitigation measure specifically requiring the City to confirm that the project is designed consistent with its description in the Draft EIR. The Draft EIR also clarifies that if there is a proposal for cold storage in the future, that proposal would be treated as an entitlement amendment, which would be a new discretionary approval triggering the need for further review under CEQA. The City will impose a condition of approval confirming that the project is entitled for cold storage uses, and that the addition of cold storage to the project would trigger additional CEQA review as an amendment would be required to the project's entitlements should new cold storage uses be proposed, to ensure such uses are analyzed in compliance with applicable laws and regulations; refer to Draft EIR Mitigation Measure AQ-1. Thus, the City of Fontana affirms that the Draft EIR fully discloses and evaluates the project as proposed and that Mitigation Measure AQ-1 does not represent deferred mitigation in violation of CEQA.

3-6 The commenter states that the CalEEMod output sheets included in the *Fontana Foothills Commerce Center Air Quality Impact Analysis* (Air Quality Analysis), prepared by Urban Crossroads, dated May 4, 2020, do not accurately model the proposed project because the analysis models 404 parking spaces while a total of 489 parking spaces are proposed (including truck stalls). The project includes 337 passenger vehicle parking spaces and 152 trailer parking spaces. The analysis modeled a 404-space parking lot as an estimate and the remaining parking spaces and driveways were modeled as "Other Asphalt Surfaces" land use in CalEEMod. Although the model assumption does not exactly match the project's proposed number of parking spaces, the modeled parking lot and other asphalt surfaces in total represented the accurate paving area and the associated emissions. The number of parking spaces discrepancy slightly underestimated emissions from parking stalls striping paint. However, based on the CalEEMod User's Guide *Appendix E: Technical Source Documentation*, only six percent of total parking lot square footage area is painted. Therefore, the emissions difference due to reduced number of parking spaces is negligible and no changes were made.

The commenter also states that the operations analysis only models an accurate number of vehicle trips and vehicle miles travelled (VMT) in accordance with the Traffic Analysis for weekdays because the CalEEMod analysis reduces Saturday and Sunday trips and VMT without explanation or supporting evidence that weekend trips will actually be less than weekday trips. Trip characteristics are based on information provided in *Fontana Foothills Commerce Center Traffic Impact Analysis* (Development Site TIA), prepared by Urban Crossroads, dated April 23, 2020. Trips generated by the project's proposed land uses have been estimated based on trip generation rates for weekday and weekend (Saturday and Sunday) conditions collected by the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, 2017. The following trip generation and VMT assumptions were used:

- The trip generation assumptions from the ITE *Trip Generation Manual* include the following: Without Cold Storage Warehouses: AM Peak Hour: 69.2% passenger cars and

30.8% trucks; PM Peak Hour: 78.3% passenger cars and 21.7% trucks; Weekday Daily: 67.8% passenger cars and 32.2% trucks. These truck percentages were then further broken down by axle type per the following South Coast Air Quality Management District's (SCAQMD) recommended truck mix, for high-cube warehouse uses: Without Cold Storage: 2-Axle = 16.7%; 3-Axle = 20.7%; 4+-Axle = 62.6%.

- The VMT assumptions from the *Fontana Foothills Commerce Center VMT Analysis* include the following: Project VMT has been calculated using the most current version of SBTAM. Adjustments in socio-economic data (SED) (i.e., employment) have been made to the appropriate traffic analysis zone (TAZ) within the SBTAM model to reflect the Project's proposed land uses (i.e., warehouse). Using an employment density factor of one employee per 1,195 square feet, a total of 631 employees was used. Adjustments to employment for the Project's TAZ were made to both the SBTAM base year model (2012) and the cumulative year model (2040). Project-generated total and home-based work (HBW) VMT was then calculated for both the base year model (2012) and cumulative year model (2040) and linear interpolation was used to determine the Project's baseline (2019) Total and HBW VMT. The Total and HBW VMT is then normalized by dividing by the number of Project employees. As shown in Table 2, the Project baseline (2019) Total VMT per service population (SP) is 37.96 and HBW VMT per employee is 19.66.

It should be noted that the weekday and weekend rates published by ITE are different and account for lower trips that would occur during the weekend conditions. The DEIR and underlying technical emissions calculations utilize ITE trip rates for land use code 154 (High-Cube Transload Short Term Without Cold Storage) for the weekday and weekend condition. The trip rate for weekday conditions is 1.4 trips per 1,000 square feet of space, the trip rate for Saturday is 0.94 trips per 1,000 square feet, and the trip rate for Sunday is 0.87 trips per thousand square feet. Use of ITE trip generation rates is appropriate and based on substantial evidence since the ITE trip generation rates are based on surveyed data at similar facilities. For analytical purposes the CalEEMod passenger car and truck runs utilize the same fleet mix for weekday and weekend conditions.

The commenter states that the CalEEMod output sheets indicate that a vendor and worker trip length is 6.90 miles and 14.70 miles, respectively, for all phases of construction. The commenter states that the EIR does not provide information regarding where the construction materials are coming from or if they are all coming from the same location during all phases. The City believes that it would be unreasonable for the Air Quality Study to provide detailed information on material supply and worker trip length since it is unknown at this time. The Air Quality Study relies on CalEEMod to quantify emissions from vendor and worker related trips during construction. CalEEMod uses operational trip length defaults for construction vendor and worker trips, which are based on surveyed data by various air districts. Specifically, construction vendor trip length of 6.90 miles is the same as operational Commercial to Nonwork trip length and construction worker trip length of 14.70 miles is the same as operational Home to Work trip length for SCAQMD. Since the majority of materials are anticipated to come from local vendors and majority of workers are anticipated to commute from local areas, the CalEEMod trip length defaults are the most reasonable assumptions.

The City affirms the assumptions and findings of the Air Quality Analysis, no revisions to the Air Quality Analysis nor the Draft EIR are required.

3-7 The commenter states that the Draft EIR does not provide a "worst-case scenario" analysis of construction equipment emitting pollutants for a construction scenario of 11 hours per day, 5 days per week and 9 hours on Saturday, stating that it is legal for construction to occur for much longer hours (11 hours per day permitted while 8 hours per day analyzed) and an additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. The commenter states that the Draft EIR must be revised with Air Quality modeling to account for these legally possible longer construction days and increased number of construction days, and if shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

While the commenter is correct that regarding the allowable construction hours allowed by the Municipal Code, the identified construction equipment would not be used during every hour of the day. Rather, the Air Quality Analysis, consistent with industry standards and typical construction practices, assumes that each piece of equipment listed would operate up to 8 total hours per day, or approximately two-thirds of the period during which construction activities are allowed under the City's Municipal Code. For example, during grading operations, it can be reasonably inferred that water trucks would not operate continuously over a 11-hour period but would instead be used as necessary to minimize fugitive dust. In fact, most pieces of equipment likely would operate for fewer hours per day than indicated in Draft EIR. With respect to weekends the South Coast Air Quality Management District (SCAQMD) thresholds of significance are based on daily emissions; thus, air quality effects during weekends would be the same as during the normal work week. Accordingly, the City finds that the assumptions used in the Air Quality Analysis and the Draft EIR properly disclose a reasonable evaluation of the project's potential air quality impacts.

3-8 The commenter states that the EIR does not address environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The commenter states that CalEnviroScreen 3.0, CALEPA's screening tool that ranks each census tract for pollution and socioeconomic vulnerability ranked the proposed Project's census tract worse than 75 percent of the rest of the state overall. The commenter states that the surrounding community, including sensitive receptors, has higher pollution rates on every indicator measured by CalEnviroScreen. The City is aware of the commenter's description of the CalEnviroScreen and understands the designations that would be applied to the census tract that the project occurs in. Project construction and operations emissions are below the daily maximum thresholds established by SCAQMD for criteria pollutants (volatile organic compounds [VOC], nitrogen dioxide [NO_X], carbon monoxide [CO], sulfur dioxide [SO_X], particulate matter [PM_{10}], and $PM_{2.5}$). The *Fontana Foothills Commerce Center Mobile Source Health Risk Assessment* (Health Risk Assessment) was prepared for the project by Urban Crossroads on May 4, 2020 to further analyze the potential for impacts to sensitive receptors in the project area (i.e., residences and schools). The results of the Health Risk Assessment indicate that the maximum risk estimate associated with the proposed project is 5.86 in one million, which is substantially less than the applicable threshold of 10 in one million. Therefore, construction and operation of the project is not expected to adversely impact the public in the surrounding area. In addition, CEQA does not include any requirement to analyze environmental justice. (CEQA Guidelines section 15131(a), 15382) (a project's social effects "shall not be considered a significant effect on the environment.") Here, where there is no substantial evidence of a significant indirect physical

impact to the environment related to the project's social effects – and, in fact, no social effects have been documented – no further environmental analysis is required.

3-9 The commenter expresses concern that the Health Risk Assessment does not use the appropriate fraction of time at home (FAH). The Health Risk Assessment prepared for the project correctly employs the use of the time at home factors (FAH) identified by OEHHA's 2015 California Health Risk Assessment Guidelines. More specifically, the commenter opines that the Health Risk Assessment was not modeled in accordance with SCAQMD's Permit Application Package "N". It should be noted that the Permit Application Package "N" are in fact based on the 2015 OEHHA guidelines used in the Health Risk Assessment. The 2015 OEHHA guidelines include the algorithms, recommended exposure variates, cancer and noncancer health values, and the air modeling protocols needed to perform an HRA, which is the basis for HRA and appropriate for the project. The SCAQMD's Permit Application Package "N" is the guidance for new source permit applications. The project would not introduce new TACs emission sources or apply for new source permit, therefore, the SCAQMD's Permit Application Package "N" does not apply.

The primary purpose of a Health Risk Assessment is to determine long-term health risks, such as cancer risks over, for example, a 30-year residency or 70-year lifetime. As discussed in the DEIR, construction of the project would cease upon completion of each respective phase and not last 30-years. Exposure to construction emissions during the 12 months of construction would not create long-term health effects to adjacent sensitive receptors. Additionally, the City follows SCAQMD guidance for air quality analysis. SCAQMD's Health Risk Assessment procedures recommend evaluating risk from extended exposures measured across several years and not for short term construction exposures or for infrequent operational exposure to diesel truck deliveries or trash hauling.

3-10 The commenter states that the timing and number of biological resource field investigations were not conducted in accordance with the California Department of Fish and Game's *2012 Staff Report on Burrowing Owl Mitigation*, and that a revised EIR must be prepared which includes focused burrow and burrowing owl surveys. The information and analysis included in Draft EIR Section 4.3, *Biological Resources*, rely on the *Results of a Habitat Suitability Evaluation, ±33-acre Site, City of Fontana, San Bernardino County, California* (Habitat Suitability Evaluation), prepared by Ecological Sciences, Inc., dated April 15, 2020. As stated in the Habitat Suitability Evaluation, the development site has a moderate potential to support burrowing owl based on the presence of California ground squirrel burrows. However, no direct observations or burrowing owl sign (feathers, pellets, fecal material, prey remains, etc.) were recorded during the Habitat Suitability Evaluation survey and none of the potential burrows inspected during the survey were determined to be currently occupied or recently used by burrowing owl based on the lack of observations and absence of sign around burrow entrances; refer to page 13 of the Habitat Suitability Evaluation included in Draft EIR Appendix C. Nonetheless, the Draft EIR assumes that burrowing owl may occur on-site and therefore focused burrowing owl surveys are required Mitigation Measure BIO-1 prior to construction activities pursuant to the *2012 Staff Report on Burrowing Owl Mitigation* requirements; refer to Draft EIR page 4.3-13. No revisions to the Draft EIR are necessary nor required in this regard.

3-11 The commenter states that the flawed CalEEMod vehicle trips and VMT operational modeling presents unduly low greenhouse gas emissions because the reduced weekend trips for passenger cars and trucks results in significantly lower mobile source emissions of CO2, which directly

contributes to total CO_2e. The commenter states that the CalEEMod operational vehicle trip modeling must be revised to include 716 daily passenger car trips (weekday and weekends) and 342 daily truck trips (weekday and weekends) in order to adequately and accurately analyze the project's significant greenhouse gas emissions impacts. Refer to Response to Comment 3-6.

3-12 The commenter again states that the proposed project development density is miscalculated, violating the requirements of Senate Bill 330 (SB 330). The commenter suggests that the correct density calculations yield a total of 266 replacement dwelling units, stating that the figure of 165 replacement units used in the Draft EIR is not enough to accommodate the project site's capacity. Pursuant to SB 330 requirements, the upzone site was selected to offset the proposed project's lost dwelling unit potential of and "upzone" 13.76 acres of land located at the southwest corner of Merrill Avenue and Catawba Avenue from R-1, which permits up to 5 dwelling units per acre (du per acre), to Medium Density Residential (R-2), which permits up to 12 du per acre; refer to Draft EIR Exhibit 3.0-4. The upzone site has an existing development potential of 68 units. Applying the R-2 designation on the 13.76-acre site would accommodate the future development of 165 units, thereby increasing the site's development potential by 97 units.

It should be noted that Draft EIR Section 3.0, *Project Description*, incorrectly states that the proposed project would displace 155 residential units on the development site. This figure was recalculated using the development site's land use designation and zoning that was in effect as of January 1, 2018 (R-PC and C-2); refer to Response to Comment 3-3. This error has been revised, as the project would only displace 85 units. Thus, displacement of planned residential units would be less than identified in the Draft EIR. This change has been made to page 3.0-35 of the Draft EIR and is reflected below and in Section 3.0, *Errata*, of the Final EIR.

Page 3.0-35, Section 3.4.2, Upzone Site

3.4.2 Upzone Site

Pursuant to SB 330 requirements, the upzone site was selected to offset the proposed project's lost dwelling unit potential of 85 ~~155~~ units and "upzone" 13.76 acres of land located at the southwest corner of Merrill Avenue and Catawba Avenue from R-1, which permits up to 5 du per acre, to Medium Density Residential (R-2), which permits up to 12 du per acre; refer to ***Exhibit 3.0-4***. Applying the R-2 designation on the 13.76-acre site would accommodate an additional 97 dwelling units, for a total future development of 165 units, resulting in no net loss of the residential capacity for the City with the rezoning of the development site.

The Errata noted above for Section 3.0 are global Errata and apply to the entirety of the Draft EIR. These clarifications or modifications are based upon applicable updated information that was not available at the time of the Draft EIR publication. These changes provide a minor update, correction, or clarification and do not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

3-13 The commenter restates concerns regarding the maximum FAR for the WMXU-1 land use designation; refer to Response to Comment 3-3.

3-14 The commenter states that Draft EIR Table 4.10-1, *Project Consistency with the General Plan*, is erroneous, citing for example, that the table shows that the project is consistent with Goal 1, Policy 3 of the Building a Healthier Fontana Element (Chapter 6 of the General Plan) to improve air quality and actively discourage development that may exacerbate asthma rates, even though the project would result in significant and unavoidable air quality impacts. Goal 1, Policy 3 of Building a Healthier Fontana reads "Support local and regional initiatives to improve air quality in order to reduce asthma while actively discouraging development that may exacerbate asthma rates." It should be noted that implementation of the project would not impede the City of Fontana from supporting local and regional initiatives to improve air quality in order to reduce asthma. However, as concluded in Draft EIR Section 4.2, project operational-source NO_X emissions would exceed applicable SCAQMD regional thresholds. The human health and welfare impacts of NO_X include aggravated lung and heart problems; refer to Draft EIR Table 4.2-1, *Criteria Air Pollutants Summary of Common Sources and Effects*. Thus, Draft EIR Impact 4.10-1 (Conflict with a Land Use Plan, Policy, or Regulation) and Table 4.10-1 have been revised to explain that project implementation would not support the City's goal of actively discouraging development that may exaggerate asthma rates.

Page 4.10-6, Impact 4.10-1 (Conflict with a Land Use Plan, Policy, or Regulation)

Project consistency with applicable General Plan goals and policies is detailed in ***Table 4.10-1: Project Consistency with the General Plan***. Although the General Plan contains numerous goals and policies beyond those discussed in ***Table 4.10-1***, those goals and policies are not intended to "avoid or mitigate an environmental effect" and therefore are not analyzed. As analyzed, although the project would result in significant and unavoidable impacts related to NO_X emissions, the project would be generally consistent with ~~all~~ applicable General Plan goals and policies, and a less than significant impact would occur in this regard.

Page 4.10-7, Table 4.10-1, Project Consistency with the General Plan

Building a Healthier Fontana	
Goal 1 The average lifespan in Fontana consistently ranks within the top ten of all Southern California cities.	
Policy 3 Support local and regional initiatives to improve air quality in order to reduce asthma while actively discouraging development that may exacerbate asthma rates.	Partially Consistent. Implementation of the project would not impede the City of Fontana from supporting local and regional initiatives to improve air quality in order to reduce asthma. However, as concluded in Section 4.2, project operational-source NO_X emissions would exceed applicable SCAQMD regional thresholds. The human health and welfare impacts of NOX include aggravated lung and heart problems; refer to Table 4.2-1, *Criteria Air Pollutants Summary of Common Sources and Effects*. The project would be partially inconsistent with Building a Healthier Fontana, Goal 1, Policy 3, in this regard. ~~Consistent. Incorporation of Mitigation Measure AQ-2 will ensure that, during the site preparation phase, off-road diesel construction equipment greater than 150 horsepower shall comply with Environmental Protection~~

	~~Agency/California Air Resources Board Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications. Refer to Section 4.2, Air Quality, for more information.~~

Page 4.10-16, Impact 4.10-2 (Cumulative Impacts), Paragraph 2

As discussed above, although the project would result in significant and unavoidable impacts related to NO_x emissions, the proposed project would result in less than significant impacts concerning potential to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (including the City's General Plan, SWIP Specific Plan, Municipal Code, and 2016 RTP/SCS). Thus, the project would not result in cumulatively considerable impacts in this regard.

General Plan consistency cannot be determined by identifying isolated General Plan policies. Perfect conformity with each and every General Plan policy is an impossible and inappropriate task given the wide range of competing interests that a general plan attempts to promote. Because the various policies promoted by a general plan attempt to balance a range of competing interests, the governmental decisionmaker must be allowed to weigh and balance a General Plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes. Indeed, as a matter of law, strict consistency with each and every general plan policy is not required when reviewing a project for consistency with a general plan. See *Families Unafraid to Uphold Rural Etc. County v. Board of Supervisors*, 62 Cal.App.4th 1332, 1336 (1998). Consequently, a proposed project is consistent with a general plan if it is in overall harmony with the plan, furthers one or more plan policies and does not conflict with mandatory plan policies. These changes to the Draft EIR provide a minor update, correction, or clarification and do not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

3-15 The commenter states that Draft EIR Table 4.10-1 is erroneous based on the project's inconsistency with Goal 2, Policy 2 of the Community Mobility and Circulation Element (Chapter 9 of the General Plan). Goal 2, Policy 2 of the Community Mobility and Circulation Element reads "Support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks." According to the commenter, this finding is erroneous as the Project Description states that "main truck access would be available on Juniper Avenue, with a secondary access on Jurupa Avenue." The commenter notes that Juniper Avenue is not a designated truck route but will operate as the main truck access point for the site, which is not consistent with the listed policy. The City of Fontana is aware that Juniper Avenue is not a designated truck route; refer to Development Site TIA Exhibit 3-3*, City of Fontana Existing Truck Routes*. As shown on Development Site TIA Exhibit 4-2, *Project (Truck) Trip Distribution*, Juniper Avenue would be utilized for private ingress/egress into the development site from Jurupa Avenue and would not be utilized as a truck route. The project would not conflict with Goal 2, Policy 2 of the Community Mobility and Circulation Element in this regard.

In addition, the commenter states that the project also directly conflicts with Goal 4 of the Sustainability and Resilience Element (Chapter 12 of the General Plan) since it will result in significant and unavoidable greenhouse gas emissions. Goal 4 of the Sustainability and Resilience

Element states "Fontana meets the greenhouse gas reduction goals for 2030 and subsequent goals set by the State." Goal 4 was not included in Draft EIR Table 4.10-1 since there are no General Plan policies pertaining to Goal 4 which relate to the proposed project. The only policy identified for Goal 4 reads "Continue to collaborate with SBCTA on greenhouse gas inventories and climate action planning." The project would not impede the City of Fontana from collaborating with SBCTA on greenhouse gas inventories and climate action planning. Thus, no revisions to Draft EIR Table 4.10-1 are necessary nor required in this regard.

3-16 The commenter states that Draft EIR Table 4.10-1 is misleading in that it concludes the project is "consistent with the Goals, Policies, and Actions of the General Plan by expanding the boundaries of the SWIP without fully analyzing the project in accordance with all related Goals, Policies, and Actions." The Draft EIR's conclusion that the project would be consistent with Goal 5, Policy 1 of the Land Use Element (Chapter 15 of the General Plan) is not misleading. As stated on Draft EIR page 4.10-13, the project would be incorporated into the Southwest Industrial Park and expand its boundaries, thus promoting its growth and capacity to handle the industrial and logistical needs along the I-10 corridor. The project involves development of a light industrial warehouse facility and does not propose heavy industrial uses; refer to Draft EIR Section 3.4.1, D*evelopment Site*. Thus, the project would not conflict with Land Use Element Goal 5, Policy 2, which aims to "maintain but do not expand existing heavy industrial land use areas in proximity to one another" and Land Use Element Action B, Policy 2, which states to "direct new industrial development to SWIP in order to build out this area designated for industrial development."

The commenters assertion that "the analysis throughout the Land Use and Planning section excludes any statement that identifies the conflict between the existing land use designations and the proposed project" is unsupported. The Draft EIR evaluates the existing land use and planning setting and the project's consistency with applicable goals and policies, identifies and analyzes environmental impacts, and requires measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable. As concluded in Draft EIR Section 4.10, the proposed project would result in less than significant impacts concerning potential to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (including the City's General Plan, SWIP Specific Plan, Municipal Code, and 2016 RTP/SCS).

3-17 The commenter states that Draft EIR Table 4.10-2, *Project Consistency with 2016 RTP/SCS Goals*, is "erroneous and misleading to decision makers" based on its conclusion that the project is consistent with Goal 2, Goal 4, and Goal 5 of the 2016 RTP/SCS. Specifically, the commenter argues that the project is inconsistent with Goal 2 since the project would result in significant and unavoidable transportation impacts. As concluded in Draft EIR Table 4.10-2, as an individual warehouse development, the project is limited in its ability to maximize mobility and access for people and goods in the SCAG region. Nonetheless, the project would not create substantial traffic impediments and would improve the accessibility of goods to the surrounding area. No information is provided by the commenter to substantiate why the project is inconsistent with Goal 4 and Goal 5 of the 2016 RTP/SCS. As stated in Draft EIR Table 4.10-2, the project would have no adverse effect on planning or maintenance efforts of the regional transportation system nor would the project conflict with the City of Fontana's General Plan Community Mobility and Circulation Element, which meets the goal to maximize productivity. Thus, the project would be consistent with Goal 4 and Goal 5 of the 2016 RTP/SCS.

3-18 The commenter disagrees that the project is consistent with Goal 3 of the 2016 RTP/SCS ensure travel safety and reliability for all people and goods in the region "even though main truck access for the project site will be taken from Juniper Avenue, which is not a truck route, and may result in substantial safety hazards to motorists or pedestrians;" refer to Response to Comment 3-15. As concluded in Draft EIR Table 4.10-2, as an individual warehouse development, the project is limited in its ability to ensure travel safety and reliability for people and goods in the SCAG region. There are no components of the project that would result in substantial safety hazards to motorists of pedestrians. As noted in Draft EIR Section 4.13, the site adjacent roadways, site access improvements, and truck access proposed for the development site would not substantially increase hazards due to a geometric design feature or incompatible uses. The project would comply with Goal 3 of the 2016 RTP/SCS in this regard.

The commenter also disagrees that the project is consistent with Goal 6 of the 2016 RTP/SCS to protect the environment and health for our residents by improving air quality and encouraging active transportation because the project would result in significant and unavoidable air quality and greenhouse gas impacts. As concluded in Draft EIR Table 4.10-2, while the project itself, as a warehouse facility development and associated upzoning, would not improve air quality, it would not prevent SCAG from implementing actions that would improve air quality within the region. Mitigation measures are specified to reduce the project's air quality impacts to the maximum extent possible, and the project would incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy. Additionally, the project would construct frontage improvements, including sidewalks, which would encourage walking in the project area. The project would comply with Goal 6 of the 2016 RTP/SCS in this regard.

3-19 The commenter generally disagrees with the EIR's conclusion that implementation of the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including the General Plan, SWIP Specific Plan, Municipal Code, and 2016 RTP/SCS because the project would result in significant and unavoidable impacts to air quality, greenhouse gas, and transportation and is inconsistent with the General Plan and 2016 RTP/SCS. Refer to Responses to Comments 3-12 through 3-18.

3-20 The commenter states that the Draft EIR is erroneous because it excludes from analysis the potentially significant impacts on all transportation facilities that will provide access to the project site during operations. For example, truck routes serving the site on Citrus Avenue, Slover Avenue, and Sierra Avenue are not analyzed. In addition, the commenter states that the Draft EIR does not provide any information regarding analysis of freeway mainline segments or freeway merge/diverge interchanges, noting that the Interstate 215 (I-215) and Interstate 15 (I-15) provide direct access to the project site from the Southern California Logistics Airport.

It should be noted that the development site proposes a total of four (4) project driveways in addition to seven (7) off-site intersections rather than the six [6] off-site intersections as noted by the commenter. Although the State Route 60 (SR-60), Interstate 10 (I-10), I-15, and I-215 provide access to the project site, the project is anticipated to contribute less than 50 PCE peak hour trips to these facilities based on the project's trip generation and trip distribution patterns. Caltrans recognizes that a project's contribution to the State Highway facilities dissipates with distance from the project site. The study area was selected based on the City's 50 peak hour trip criteria (50 passenger car equivalent trips, not 50 actual vehicle trips to be conservative).

In addition, the Development Site TIA evaluates the intersection of Citrus Avenue at Jurupa Avenue and Sierra Avenue at Santa Ana Avenue and Jurupa Avenue. Although Citrus Avenue, Slover Avenue, and Sierra Avenue are designated City truck routes, only intersections where the project is anticipated to contribute 50 peak hour trips were evaluated. The Development Site TIA assumed 33 percent of trucks going northbound on Citrus Avenue, 27 percent going westbound on Jurupa Avenue, 26 percent going northbound on Sierra Avenue, and 14 percent going southbound on Sierra Avenue. Therefore, the Development Site TIA fulfills the City's requirements for analysis of traffic impacts and no revisions to the Draft EIR are warranted.

3-21 The commenter disagrees with the Draft EIR's analysis of population and housing, stating that the proposed project "is not consistent with the RTP/SCS because it changes the General Plan land use, resulting in the project's 631 employees exceeding the RTP/SCS projection." The project-related increase of 631 employees would be minimal in comparison to the increase anticipated in the SCAG growth forecast, and any associated population growth within the City would be within the levels of growth already forecast by the City. For analysis purposes, it is conservatively assumed that 100 percent of the project's new employees would relocate to the City of Fontana. Based on 631 new employees and tenants relocating to the City and an average household size of 4.04, project implementation would result in a potential population increase of approximately 2,550 persons.[2] The potential population growth generated by the project would increase the City's estimated 2020 population from 213,000 persons to 215,550 persons, an increase of approximately 1.2 percent. It should be noted that this analysis is extremely conservative, as it is anticipated that the project would provide jobs to local City residents, helping to fill the local employment need.

As concluded in Draft EIR Population and Housing Impact a), according to the SCAG Demographics & Growth Forecast (an appendix to the 2016 RTP/SCS),[3] the number of jobs in Fontana is anticipated to grow from 47,000 in 2012 to 70,800 in 2040, and it is estimated that in 2040 Fontana will have a population of approximately 280,900. SCAG's regional growth projections are based upon long-range development assumptions (i.e., General Plans) of the relevant jurisdiction. The project's (worst-case) anticipated population increase (2,500 persons) would represent less than one percent of the 2040 population anticipated for the City. The project would not exceed SCAG's 2016 RTP/SCS 2040 population anticipated in this regard.

The commenter also states that the Draft EIR "does not present a cumulative analysis either regarding other employment generating projects that required a GPA, such as Goodman Logistics Center III adjacent to the proposed project site," and argues that the Draft EIR must be revised to include a finding of significance for impacts to population and housing. The effects determined not to be significant are not required to be included in the primary analysis sections of the Draft EIR. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in CEQA Guidelines Section 15065 (a)(3).[4] Based on the

[2] California Department of Finance Demographic Research Unit, Report E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2020, with 2010 Benchmark, May 1, 2020.

[3] Southern California Association of Governments, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, 2016, Demographics & Growth Forecast, http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx.

[4] "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

project's less than significant impacts to population and housing, project implementation would not result in cumulatively considerable impacts when viewed in connection with the Goodman Logistics Center III project.

3-22 The commenter disagrees with the Draft EIR's conclusion that the project would not induce growth since the entitlements (GPA, Zone Change, Specific Plan Amendment) required to implement the proposed project are "commonly undertaken on a regular basis by many jurisdictions"; refer to Draft EIR Section 7.0, *Growth Inducing Impacts*. The commenter states that the Draft EIR does not provide a CEQA exemption for this reasoning or evidence that these changes will not actually set precedence and induce growth. As stated in Draft EIR Section 7.1.4, Establishment of a Precedent Setting Actions, the proposed project includes a General Plan Amendment to change the existing land use designation of the development site from Residential–Planned Community (R-PC)/Walkable Mixed-Use Downtown and Corridors (WMXU-1) to General Industrial (I-G), a Specific Plan Amendment to expand the boundary of the Southwest Industrial Park Specific Plan Land Use Plan to include the development site, and a Zone Change to change the zoning designation of all parcels within the development site from R-PC and FBC–Transitional to Specific Plan (Southwest Industrial Park) (refer to Section 3.0, *Project Description*, of the Draft EIR, for detailed information regarding the proposed General Plan Amendment). Project implementation would also require a General Plan Amendment to amend the existing land use designation for all parcels within the upzone site from R-SF to Medium Density Residential (R-M) and a Zone Change from R-1 to R-2 to offset the potential loss of housing units resulting from the change is designation of the development site, in compliance with the requirements of SB 330. These actions are not considered to be precedent setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions and relate specifically to the development site and upzone site, respectively. Further, as elaborated in Response to Comment 3-21, the project would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure. No changes are necessary nor required in this regard.

3-23 The commenter disagrees that the "Alternatives" section of the Draft EIR evaluates a reasonable range of alternatives because only two alternatives beyond the required No Project alternative are analyzed, stating that the Draft EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. In compliance with CEQA Guidelines Section 15126.6(a), Draft EIR Section 8.0, Alternatives, presents two alternatives to the proposed project which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project.

There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. Because the primary purpose of an EIR is to mitigate or avoid significant environmental effects, the alternatives discussion is focused on alternatives to the project that are capable of avoiding or substantially lessening any significant effects of the project, even if those alternatives would impede to some degree the attainment of the project objectives, or would be costlier. (CEQA Guidelines Section 15126.6(b)) Of the alternatives that fit the above criteria, the EIR need examine in detail only those alternatives that the Lead Agency determines could feasibly attain most of the basic objectives of the project. CEQA Guidelines Section 15126.6(f). An EIR need not present alternatives that are incompatible with the project's

fundamental purpose. No set number of alternatives is necessary to constitute a legally adequate range of alternatives. The scope will vary from case to case depending on the nature of the project and the Lead Agency has discretion to determine how many alternatives constitute a reasonable range. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.

In accordance with CEQA Guidelines Section 15126.6(c), one additional alternative was considered but was not carried forward for additional analysis since they would not accomplish most of the basic objectives of the project and was considered infeasible; refer to Draft EIR Section 8.3, *Alternatives Considered But Rejected*. As noted in Draft EIR Section 8.3, the "Alternative Site" Alternative was rejected from consideration due to the large size of the proposed project, and the fact that there are limited sites within the City that could accommodate the warehouse facility, specifically large enough sites that are also located near major transportation corridors (e.g., Interstate 10). A project site that is located away from major transportation corridors could result in greater localized impacts due to truck traffic traveling on neighborhood and local streets. Further, the "Alternative Site" Alternative may not achieve Objective 3 (Revitalize vacant and underutilized lands that are appropriate for infill development), Objective 4 (Entitle a warehouse use adjacent to existing infrastructure and available public services and existing facilities), and Objective 5 (Develop a warehouse facility consistent with the Southwest Industrial Park Specific Plan) depending on where the alternative site is located within Fontana. Similar to the proposed project, an alternative site for the warehouse facility may also require upzoning another site within the City to offset potential loss in residential development pursuant to SB 330. Alternatives that cannot achieve a project's underlying purpose do not need to be analyzed in an EIR. This, this alternative was rejected from further consideration.

3-24 The commenter concludes the comment letter stating that an amended EIR must be prepared for the proposed project and recirculated for public review, and requesting to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. The commenter has been added to the City's public interest list for the proposed project, as requested. Refer to Responses to Comments 3-1 through 3-23 above.

Law Office of Abigail Smith
A Professional Corporation
2305 Historic Decatur Road, Suite 100, San Diego, CA 92106

Abigail A. Smith, Esq.
Email: abby@socalceqa.com
Telephone: (951) 808-8595
Facsimile: (951) 972-8488

VIA E-MAIL ONLY

September 24, 2020

DiTanyon Johnson, Senior Planner
City of Fontana, Planning Division
8353 Sierra Avenue
Fontana, CA 92335
djohnson@fontana.org

Re: Public Comments - Fontana Foothills Commerce Center Draft Environmental Impact Report (SCH NO. 2020040155)

Dear City of Fontana:

On behalf of the Sierra Club—San Gorgonio Chapter, I submit the following comments on the Draft Environmental Impact Report ("EIR") for the Fontana Foothills Commerce Center project ("the Project").

This Project proposes in part a General Plan Amendment and Zone Change to permit the construction and operation of a warehouse logistics facility composed of two warehouse distribution buildings totaling 754,408 square feet. The Project will be built on an approximately 33-acre site at the intersection of Juniper Avenue and Jurupa Avenue.

The Project will operate on a 24-hour, 7 day a week basis. Building 1 will be 432,569 square feet with 57 dock doors and Building 2 will be 321,839 square feet with 45 dock doors. Buildings will be 60 feet in height. A total of 337 parking spaces will be provided and 152 truck trailer parking spaces. The Project is expected to generate 1,058 vehicle trips per day including 342 diesel truck trips.

The EIR assumes trucks will access the Project site via Juniper Avenue and Jurupa Avenue. Existing single-family homes are located to the south, east and west of the Project site. Surrounding zoning is residential. Schools and homes are located along Project truck routes.

Sierra Club submits that the EIR contains flaws and omissions, and must be revised, and further mitigation and alternatives adopted, as outlined below.

4-1

//

I. The Project Should be Designed to Include More Buffering Between the Industrial and Adjacent Residences.

When locating and designing projects such as industrial warehouse distribution centers that bring significant air quality impacts, Sierra Club strongly encourages the City to follow the recommendation of the California Air Resources Board ("CARB") that any warehouse land uses should not be located within 1,000 feet of residential uses or areas designated for residential development.[1] [2] Here, existing single-family residences are located within 1,000 feet of the Project site. According to the Project's Air Quality Study, **the closest existing residence is 15 feet east of the Project site**. A large residential tract community is located **134 feet** south of the Project site. Another existing home is located **86 feet** west of the Project site. (Air Quality Study p. 51). Site design measures—including increasing the distance between the Project buildings and sensitive receptors —should be imposed. Changes to the site design to avoid placement of buildings near sensitive receptors should also be considered feasible mitigation for the Project's significant environmental impacts to include air quality, land use, noise, and greenhouse gas emissions. At the least, appropriate buffering—increasing the distance between Project operations by shrinking or eliminating building space—must be incorporated into the Project's site design to minimize the Project's adverse impacts to sensitive receptors to the extent feasible. At present, the building site is *maximized* with development, whereas a design utilizing buffering could provide measurable and important environmental benefits.

4-2

Further, the Project's numerous daily diesel trucks will pass by residences and schools. Big-rig trucks bring pollution, noise, and generally degrade the quality of life for residents of the communities that must endure these warehouse projects. For instance, Jurupa Avenue is, in large part, a residential street. The proposed warehouses, with their influx of trucks, is simply incompatible with the surrounding residential community for various reasons including air quality. Fontana's communities already experience poor air quality conditions. As the City of Fontana General Plan acknowledges, the American Lung Association's State of the Air 2016 report gave San Bernardino County an F for ozone, an F for 24-hour particle pollution, and a Fail for annual particulate pollution.

Because the siting of yet another large industrial facility near homes and schools represents poor planning and policy, we urge you to consider carefully the approval of this Project that will bring *irreversible* adverse changes to the lives of your citizens.

//

[1] www.arb.ca.gov/ch/handbook.pdf
This hyperlink and its contents, and all hyperlinks and their contents cited in this letter, are fully incorporated herein by reference.

[2] Based expressly on the CARB recommendation, the City of Fontana General Plan Final EIR MM-AQ-24 states that new warehouse facilities that generate at least 100 trips per day "shall not be located closer than 1,000 feet from any existing proposed sensitive land use such as residential…." unless the health risk is shown to be less than the thresholds of significance of the South Coast Air Quality Management District. *See*, https://www.fontana.org/DocumentCenter/View/29525/Final-Environmental-Impact-Report-for-the-General-Plan-Update

II. The EIR's Project Description is Faulty

An EIR must accurately describe the project it analyzes. State CEQA Guidelines §§ 15124, 15125. An inaccurate or incomplete project description undermines CEQA's purposes, particularly where it minimizes the project's environmental impacts. "An accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-93. When an EIR gives "conflicting signals to decision-makers and the public about the nature and scope of the activity being proposed," the courts have found it "fundamentally inadequate and misleading." *San Joaquin Raptor Rescue Cntr. v. Cnty of Merced* (2007) 149 Cal.App.4th at 645, 655-56.

According to the EIR's Project Description, "there would be no refrigerated uses associated with the operation of the two warehouse buildings upon completion." (EIR p. 3.0-35). Yet at least in some instances, the EIR suggests the buildings may entail cold storage; for instance, the noise study describes loading docks as including "cold storage." *See*, Noise Study p. 50. Indeed, since individual tenants have not been identified, it is entirely possible the future tenants will utilize cold storage. The EIR must fully disclose and evaluate the "worst case" scenario and propose appropriate mitigation based on a complete analysis. Rather than do so, the EIR states that "if it is determined that the proposed project would require TRU's or cold storage in the future, an amendment would be required to the project's entitlements to ensure such uses are analyzed in compliance with applicable laws and regulations." (EIR p. 1.0-4, AQ-1). It is unclear the nature of this "amendment" process and whether subsequent environmental review would be required. Cold storage facilities are known to generate greater air quality and GHG impacts due to transport and storage of cold goods. Thus the Project must be *conditioned* to *prohibit* cold storage, consistent with the statements in the Project Description. Moreover, as cold storage is apparently a possibility, the Project must be conditioned to provide additional air quality mitigation when approvals are granted to allow cold storage.

4-3

The EIR's air quality section states that Mitigation Measure AQ-1 would be implemented to prohibit future tenants from utilizing TRUs and cold storage at the project site. (EIR pp. 4.2-15 – 16). In actuality, AQ-1 permits cold storage with an "amendment" to the project's entitlements. Again it is unclear whether additional CEQA review would be required under the amendment process. Even so, CEQA does not permit this kind of deferred and segmented analysis of environmental issues within an EIR. Cold storage may be part of the Project operation, in other words, it is contemplated at the time of Project approval that cold storage may be allowed. As such, the use and impacts associated with allow refrigerated storage and the transport of refrigerated goods must be fully evaluated in the EIR. CEQA requires analysis of the "whole of the [project]." State CEQA Guidelines § 15378 (defining "project"). All phases of a project must be considered in an EIR. Guidelines § 15063 (a)(1); *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1334. If an EIR "'does not 'adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,' informed decisionmaking cannot occur and "the final EIR is inadequate as a matter of law.'" *Communities for a Better*

Environment City of Richmond (2010) 184 Cal.App.4th 70, 82-83, 98. Pursuant to these legal principles, the EIR must fully disclose and evaluate the impacts associated with cold storage and transport.

III. The Air Quality Analysis Must Be Revised and Mitigation Must Be Proposed

A. The Air Quality Analysis is Flawed

The EIR assumes an average truck trip length of 36 miles. This information is used in the calculation of the Project's air quality and transportation impacts. EIRs prepared for similar warehouse projects in the Inland Empire have assumed a much higher average truck trip length, since the typical purpose of these warehouse facilities is regional goods distribution and most facilities involve the receipt of goods from the Ports of Long Beach and Los Angeles.[3] [4] A July 2017 UC Davis study found that for warehouse projects in the Inland Empire "most goods have an origin at the Ports of Long Beach and LA and the main destination of all goods is within the State of California, confirming what SCAG reports have shown."[5] Although the ultimate users of the Project buildings are currently unknown, the EIR assumes that the origin and destination of Project trucks will be more confined to the San Bernardino County area. CEQA generally requires the evaluation of the "worst case" scenario to ensure that impacts are fully disclosed and appropriately mitigated. The Ports of Long Beach and Los Angeles are located approximately 65 miles from the Project site. Accordingly, the air quality study must be revised to include more realistic truck trip length assumptions, otherwise air quality and transportation impacts are understated. Similar warehouse projects in the Inland Empire, including **in Fontana**, have relied upon more realistic average trip lengths in the range of 50-60 miles. *See,* Exhibit 1 (August 2017 EIR for Southwest Fontana Logistics Center Project – 58 miles average truck trip length), Exhibit 2 (July 2016 EIR for Moreno Valley Logistics Center Project – 61 miles average truck trip length), and Exhibit 3 (August 2016 EIR for Indian Street Commerce Center Project – 61 miles average truck trip length).

4-4

Also, the 14-mile assumption for passenger vehicles is unsupported, where for instance, there is nothing to suggest that the Project has committed to local hiring to ensure that employees will be local consistent with the apparent assumption of the EIR that most employees will travel only a short distance to and from work each day. It is especially important to assume the "worst case scenario" with respect to trip lengths when the users of the buildings are unknown.

4-5

The Air Quality Study improperly assumes the Project will operate as a "unrefrigerated warehouse" when it is contemplated that the buildings could be utilized for

4-6

[3] http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/january/mndwaterman.pdf
[4] http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/march/deirwestgate.pdf
[5] https://ncst.ucdavis.edu/wp-content/uploads/2015/08/NCST-Caltrans-Jaller-Warehouse-and-Distribution-Logistics-Sprawl-FINAL-July-19-2017.pdf

cold storage as discussed above. *See*, *e.g.*, Air Quality Study, Appendix 3.2, Appendix 3.3. The air quality model must be run assuming refrigerated uses to accurately capture the Project's worse-case scenario and so that appropriate mitigation can be imposed at the time of Project approval, not deferred to some later date outside the CEQA review process. Because the Project's mitigation program apparently authorizes a future "amendment" to the Project entitlements to allow refrigerated uses, the EIR must evaluate the reasonable foreseeable refrigerated uses. The omission of this information renders the air quality study incomplete.

The air quality study assumes no construction "haul trips" during the Project's grading/site preparation phase; accordingly, the Project must be conditioned to prohibit the import or export of soil. 4-7

The assumptions of the air quality and traffic analyses in terms of truck distribution must be made conditions of the Project. For instance, if more trucks utilize Jurupa Avenue than the percentage assumed by the EIR, the Project's impacts in terms of air quality, noise, and traffic impacts as to Jurupa Avenue and sensitive receptors along this residential street are increased. 4-8

Additionally, the Project must be conditioned to prohibit any truck traffic on Juniper Avenue north of Santa Ana Avenue and any other residential roadways north of the Project site that are not City-designated truck routes. 4-9

B. <u>The City Must Adopt Mitigation For Significant Air Quality Impacts</u>

CEQA mandates that the lead agency must adopt all feasible mitigation measures to lessen significant impacts before a project with significant impacts may be approved. Here this includes measures to address conformance with air quality standards as well as state legislation and regulations targeting the reduction of GHGs that contribute to the problem of global climate change The City must take all steps to ensure that feasible mitigation is imposed, going beyond existing regulatory requirements. The City has not done so. **The EIR proposes <u>not a single</u> air quality mitigation measure for significant operational air quality impacts.** For instance, the Air Quality Study flatly asserts that "no feasible mitigation exists that would reduce [tailpipe] emissions to level that are less-than-significant." (AQ Study p. 47). This is simply incorrect. 4-10
Feasible mitigation for significant air quality impacts "exists" as discussed below.

Sierra Club urges the City to impose enforceable mitigation measures to address tail pipe emissions insofar as the vast majority of the Project's significant air quality emissions are attributable to mobile sources. It is estimated that NOx emissions will need to be reduced by approximately two-thirds by 2023 and three-quarters by 2030 to meet State emission reduction targets.[6] Hence the City must require the Project to utilize the cleanest available truck technologies. The Project should establish fleet efficiency requirements for tenant vehicle fleets. This should include, at a minimum, requirements that Project tenants shall use exclusively zero emission light and medium-duty delivery trucks and vans; shall use only

[6] http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf

zero emission service equipment such as forklifts and yard trucks; and shall use near-zero and zero-emission technologies in heavy-duty applications such as "last mile delivery."

As the State moves toward its goal of zero emission goods movement, the City must ensure that the Project is in line with this important objective by also requiring the phase-in of zero emission or clean technology for heavy duty trucks. According to CARB, actions to deploy both zero emission and cleaner combustion technologies will be essential to meet air quality goals in California particularly with respect to goods movement[7]. The Project must be fully consistent with SCAG's 2012-2035 Regional Transportation Plan ("RTP") including the RTP's "regional commitment for the broad deployment of zero- and near-zero emission transportation technologies in the 2023-2035 time frame and clear steps to move toward this objective."[8] [9] [10] The RTP states,

> it is estimated that NOx emissions will need to be reduced by approximately two-thirds in 2023 and three-quarters in 2030. This is a daunting challenge. The level of emission reduction required is so significant that 2030 emissions forecasted from just three sources—ships, trains, and aircraft—would lead to ozone levels near the federal standard. Because most sources, including cars and factories, are already controlled by over 90 percent, attainment of ozone standards will require broad deployment of zero- and near-zero emission technologies in the 2023–2035 time frame. (emphasis added) *See, id.*

Thus, feasible mitigation for operational air quality impacts includes the phase-in of electric, hybrid electric, hydrogen electric, or battery operated (*i.e.*, non-diesel) trucks. The Project should be conditioned to adopt a "Diesel Minimization Plan" whereby zero emission trucks are phased in, *e.g.*, 10% of the truck fleets shall use zero emission technology by 2030, and increase that percentage by 10% per year, until 100% of trucks operating on site are zero emission. Non-diesel trucks are expected to be deployed in the commercial market and are therefore feasible within the life of the Project.[11] [12] [13] For instance, Volvo Trucks demonstrated Class 8 battery-electric trucks **in Fontana** in February 2020. *See, id.* The Ports of Long Beach and Los Angeles have a firm goal of transitioning to zero emission technology.[14] *See also*, article describing AQMD studying and working with manufacturers to develop zero emission Class 8 trucks[15]; article describing CARB using cap and trade funds to work with manufacturers to "accelerate the market for next generation of clean, heavy-

[7] https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrc.pdf
[8] http://rtpscs.scag.ca.gov/Documents/2012/final/2012fRTP_ExecSummary.pdf
[9] http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP_VehicleTechnology.pdf
[10] http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf

[11] https://www.greenbiz.com/article/8-electric-truck-and-van-companies-watch-2020
[12] https://www.truckinginfo.com/341895/volvo-to-start-selling-electric-class-8-truck-here-at-end-of-2020
[13] https://arstechnica.com/cars/2020/02/charging-into-the-mainstream-volvo-electrifies-its-first-class-8-truck/
[14] https://kentico.portoflosangeles.org/getmedia/a2820d01-54f6-4f38-a3c5-81c228288b87/2017-final-caap-update
[15] http://www.aqmd.gov/home/library/public-information/2016-news-archives/drayage-trucks

duty trucks and buses, both those that run on electricity and on hydrogen"[16]. In short, zero emission vehicles (ZVE's) including truck technologies are a priority in California.[17]

A mitigation measure is feasible if it can be achieved in a reasonable period of time. State CEQA Guidelines, § 15364. Hence, the Project should, at a minimum, be conditioned to reevaluate, at periodic intervals, whether some portion of the fleet serving the Project must be zero emission or battery powered. The Governor's 2016 ZEV Action Plan (October 2016) identifies as a priority "Making ZEV technologies commercially viable in targeted applications the medium-duty, heavy-duty, and freight sectors". *Id*. Therefore, it is feasible, practical, and necessary to require the use of alternatively fueled trucks presently or at some reasonable time in the future. As goods movement is a major source of emissions that contribute to regional NOx emission levels, steps must be taken to address NOx emissions apart from compliance with existing and future regulations related to diesel engine technology.[18]

The Project should also incorporate the policies and goals of the State's Zero Emission Vehicle (ZEV) Action Plan and Executive Order B-48-18 (calling for a target of 5 million ZEVs in California by 2030) where these plans and rules call for increasing the *availability of electric vehicle charging stations and other zero-emission vehicle infrastructure* including direct current fast chargers.[19] EV charging infrastructure is a critical mechanism to help California reach its climate and EV adoption goals by providing opportunities at homes and workplaces for electric vehicle charging as well as overcoming the critical challenge of "range anxiety" associated with EV purchase by consumers.[20] As such, the Project should include *installation* of electric vehicle supply *equipment (*EVSE)/EV *charging stations*. 4-11

Routinely-deployed air quality mitigation may additionally include: providing funding for installation of air filtration units in nearby homes; limiting truck idling to no more than three minutes, which goes farther than the current CARB regulation of 5 minutes (*see*, Exhibit 1); limiting the use of TRU's to a period of no more than 3 minutes if cold storage is utilized at the Project site; requiring compliance with the CARB rule requiring all "drayage" type trucks to use 2010 model year engines by year 2023 in order to reduce NOx emissions[21]; providing bicycle lanes for safe and convenient access to the site; ensuring that building plans include *conduit* for the installation of electrical hookups at loading dock spaces, so that the Project is constructed with the appropriate infrastructure to support TRU charging in the future; and conditioning the Project so that trucks with TRUs *must plug-in* at the Project site to avoid idling of diesel-powered TRUs. 4-12

[16] https://www.arb.ca.gov/newsrel/newsrelease.php?id=915
[17] http://www.energy.ca.gov/renewables/tracking_progress/documents/electric_vehicle.pdf
[18] http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP_GoodsMovement.pdf
[19] https://business.ca.gov/industries/zero-emission-vehicles/zev-action-plan/ https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html
[20] https://caletc.com/wp-content/uploads/2019/10/CALGreen-2019-Supplement-Cost-Analysis-Final-1.pdf
[21] https://ww3.arb.ca.gov/regact/2008/truckbus08/revfro.pdf

The Project may feasibly install EV charging *stations* – Level 2 and/or Level 3 stations – to address significant air quality impacts[22]. Title 24 requires only that the Project designate a certain number of parking spaces for fuel-efficient vehicles and carpool/vanpool vehicles. *See*, Air Quality Study p. 26. The installation of the charging units is entirely feasible[23]. They are regularly installed in commercial developments throughout California including in and near Fontana where there are approximately 275 units[24]. All-electric vehicles produce zero direct emissions, which helps improve air quality in urban areas according to the Department of Energy.[25] Experts agree that charging stations *must be available* for consumers to encourage them to purchase EV vehicles in numbers necessary to meet California's environmental goals.[26] *See*, Exhibit 4 hereto (photo of standard EV charging unit). 4-13

The Project must also require that all on-site cargo handling equipment is powered by electricity only. This includes fork-lifts and yard trucks. This measure is entirely feasible, and is routinely employed as mitigation for warehouse projects in southern California. 4-14

IV. Energy Impacts Are Significant and Mitigation Must Be Adopted

State CEQA Guidelines Appendix F provides that "The goal of conserving energy *implies the wise and efficient use of energy*. The means of achieving this goal include: (1) decreasing overall per capita energy consumption; (2) *decreasing* reliance on fossil fuels such as coal, natural gas and oil, and (3) *increasing* reliance on renewable energy sources." (emphasis added) Appendix F puts "particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." The EIR's finding of less-than-significant with respect to energy resources is not supported. Impacts are **significant** where the Project consumes a vast amount of energy, both electricity and fuel energy resources. Conformance with regulations and statutes such as Title 24 (CalGreen) is not sufficient to reduce impacts to a level of less than significant. Title 24 requires solor photovoltaic panels for new homes but not commercial uses. *See*, Air Quality Study p. 25. Furthermore, the City has ignored feasible mitigation for energy impacts in conflict with Guidelines, Appendix F. 4-15

The City shall impose measures on the Project to ensure compliance with Guidelines, Appendix F and to advance the policies and goals of Senate Bill 100 which commits to 100% clean energy in California by 2045. Requiring the Project to utilize solar energy is one feasible means to ensure that the State can meet its laudable energy efficiency goals. Additionally, energy efficiency measures are a feasible means to reduce the Project's significant GHG emissions. Electricity generation accounts for approximately 30% of California's GHG emissions.[27] According to the City of Fontana General Plan, Chapter 12,

[22] https://www.energysage.com/electric-vehicles/charging-your-ev/
[23] https://www.energy.gov/eere/electricvehicles/vehicle-charging
[24] https://www.energy.gov/eere/electricvehicles/vehicle-charging
[25] https://www.energy.gov/eere/electricvehicles/reducing-pollution-electric-vehicles
[26] https://environmentcalifornia.org/reports/ame/ready-charge
[27] http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf

"the major sources of GHGs in Fontana are on-road transportation (39%) and buildings (51%)."[28]

Solar power is feasible and is regularly employed by, and required of, warehouse projects of this nature. One such example is the San Gorgonio Crossings warehouse project in the County of Riverside, which, according to the EIR for that project, will be built by the applicant/owner with equipment to produce solar energy for 23% of the building's electricity demand. *See*, Exhibit "5" hereto. A further example is the adjacent industrial project that will be built with 100MW solar power.

Also potentially feasible is a "LEED" certification as a means to address sustainability. *See*, Exhibit "6" hereto.

V. The City Must Adopt Mitigation For Significant Greenhouse Gas Emission Impacts

With respect to GHGs, the State of California has committed to aggressive goals for the reduction of the emissions causing global climate change. Executive Order S-3-05 establishes a 2030 target of a 40 percent GHG reduction below 1990 levels; Executive Order S-3-05 establishes a GHG emission reduction target of 80% below 1990 levels by 2050; and Executive Order B-16-2012 establishes a target for the reduction of GHG emissions from the transportation sector of 80% below 1990 levels by 2050. The EIR's conclusion that the Project "does not directly interfere with" the State's GHG emission goals and targets is not a finding of less than significant impact. (EIR p. 4.7-29). Because the Project contributes to global climate change without any corresponding mitigation, impacts are significant under Impact 4.7-2.

4-16

While the Project's GHG emissions are determined to be significant and unavoidable, **the City must still take all feasible steps to reduce significant GHG emissions and ensure the Project is consistent with State GHG emission reduction targets**. Not a single GHG mitigation measure is proposed. Specifically, as the transportation sector is the largest source of GHG emissions in the State, accounting for roughly 40 percent of California's GHGs, the Project must incorporate transportation measures to reduce fuel use in cars and trucks. This would include reducing vehicle miles traveled ("VMT"). Some example of measures aimed at reducing VMT include: providing carpool incentives to employees, such as free parking, preferred parking or implementing a reward program for carpooling[29]; providing free, low-cost monthly transit passes to employees[30]; creating an online ridesharing program that matches potential carpoolers through e-mail; encouraging the development of a commuter trip reduction plan[31]; incorporating transit stops[32]; and promoting accessibility to public transit such as providing a shuttle service to transit service for employees. These types of measures that promote ride sharing and the use of public transportation are feasible mitigation for significant GHG impacts. They are also consistent with the policies and goals

[28] https://www.fontana.org/DocumentCenter/View/26751/Chapter-12---Sustainability-and-Resilience
[29] http://www.cleanairpartnerstx.org/resources/Carpool%20Incentive%20Programs%20-%20EPA.pdf
[30] http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_ExampleMeasures.pdf
[31] https://opr.ca.gov/docs/june08-ceqa.pdf?
[32] http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_ExampleMeasures.pdf

of the City of Fontana General Plan including those related to Environmental Justice. Transit-oriented development is also consistent with the mitigation measures outlined in the 2008 Technical Advisory document issued by the Governor's Office of Planning and Research (OPR)[33].

In addition, the Fontana General Plan Mitigation Program requires that projects "[p]rovide the necessary facilities and infrastructure to encourage the use of low or zero-mission vehicles (e.g., electric vehicle charging facilities)…" The Project is not conditioned to provide vehicle charging facilities (*i.e.,* EVSE charging stations) as discussed above.

VI. Land Use Impacts Are Significant Where the Project Conflicts with the City's General Plan and Other Applicable Land Use Plans

The EIR erroneously concludes that the Project results in less-than-significant land use impacts. The EIR must be revised to state that impacts are significant and appropriate mitigation must be adopted. 4-17

The Project is not consistent with City of Fontana General Plan Community Mobility and Circulation Chapter, Goal 1, Action J and Goal 2, Policy 2 regarding truck routes (EIR Table 4.10-1), as there is nothing in the EIR requiring that Project trucks use "designated truck routes." The fact that the traffic study *models* trucks as using designated truck routes does not ensure that trucks utilize these routes, and in fact, trucks may stray into residential neighborhoods for cut-through access to major transportation corridors or may park or idle in residential neighborhoods while waiting to make scheduled deliveries. The Project must be conditioned so that trucks are *prohibited* from using roadways apart from designated truck routes.

The EIR claims the Project is consistent with General Plan, Infrastructure and Green Systems Chapter, Goal 7, Policy 1 regarding the City's goal to "promote renewable energy" towards the goal of "becoming a zero net energy city." (EIR Table 4.10-1). The EIR asserts the Project is consistent because it will adhere to existing regulations, namely Title 24/CalGreen requirements. These regulations do not require the use of renewable energy for commercial projects. Despite proposing two massive warehouse buildings with a vast amount of available roof space, the Project is not required to offset any of its energy demand with solar energy usage. The incorporation of PV solar panels to alleviate the Project's energy demand is feasible and should be required. The Project is likewise inconsistent with Goal 5, Policy 1 of the General Plan's Sustainability and Resilience Element regarding the usage of renewable energy and the reduction of GHGs. (*Id.*) The Project does not employ renewable energy and it *increases* GHGs without *any* mitigation for the impact. 4-18

The EIR concludes the Project will generate significant GHG impacts; therefore, it does not help to meet State GHG emission targets, *i.e.*, to reduce GHG emissions to 40% below 1990 levels by 2030. *See*, Fontana General Plan, Chapter 12, Section C "Climate Change." The Project does not satisfy General Plan "Goal 4: Fontana meets the greenhouse gas reduction goals for 2030…" *See, id.* For instance, the Project does not "reduce dependence on single-passenger auto use" by developing "shared shuttle services" or 4-19

[33] https://opr.ca.gov/docs/june08-ceqa.pdf?

providing "transit passes" (General Plan, Environmental Justice section, "Action "I")[34]; nor does the Project "support walking bicycling and public transit use." (General Plan, EJ Section, "Action L"). Appropriate mitigation for land use, GHG and energy impacts could include measures such as the requirement of solar PV panels, and transit-oriented programs. The Project is likewise inconsistent with General Plan Community Mobility and Circulation Element, Goal 7, Policy 7.3, Action E regarding reducing VMT "through the use of vehicle technologies" where the Project is not conditioned to require the use of clean vehicle technologies in the truck fleet or required to provide EV charging stations for vehicles or EV charging infrastructure for trucks.

The Project is not consistent with policies of the General Plan including, but not limited to, Land Use "Goal 5: High-quality job-producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes", including Action A: "Extend industrial land uses along I-10 as shown in the Future Land Use Map"; and Action B: "Direct new industrial development to SWIP in order to build out this area designated for industrial development." **Rather than locating industrial uses along the I-10 Corridor and within the boundaries of the SWIP, the Project proposes to expand the limits of the SWIP** to push industrial development into an area designated by the 2016 General Plan as residential. An examination of the SWIP land use map shows that heavy industrial uses such as the Project are intended, as affirmed in the 2016 General Plan, to be located along the I-10 Corridor. *See*, Exhibit "7" hereto. The existing land uses surrounding the Project site are strictly residential. (*See*, EIR p. 3.0-21, Table 3.0-3). **The Project proposes to "carve out" Specific Plan zoning for an area intended to be residential**. *See.* EIR, Exhibit 3.0-7. 4-20

The Project is inconsistent with CARB's AB 32 Scoping Plan. Among other actions, the Project is not consistent with Energy Efficiency or the Million Solar Roofs (MSR) Program actions in that it does not employ renewable energy measures. The Project does not demonstrate consistency with the "Last Mile Delivery" action to the extent that it does not propose infrastructure to support the charging of electric vehicles including medium or heavy duty trucks. The Project does not demonstrate consistency with the action to deploy zero emission freight vehicles. The Project can feasibly include appropriate infrastructure to support the charging of electric vehicles. 4-21

The Project is inconsistent with the 2016-2040 RTP/SCS in that it does not satisfy the "Land Use Actions and Strategies" with respect to providing "Electric Vehicle Supply Equipment in public parking lots". The Project must be conditioned to provide EV *charging stations* in parking lots for passenger vehicles *and* the appropriate infrastructure for charging of electric trucks. Currently the Project only proposes to comply with the CalGreen requirement to designate EV charging parking spaces -- this is not equal to providing the EV charging units. The Project is inconsistent with policies aimed at promoting bicycle use to the extent that no bicycle paths are provided. The Project is inconsistent with the action to "explore and implement innovative strategies and projects that enhance mobility and air quality…" where it does not, for instance, "increase accessibility to transit via non-auto modes." The Project does not include a transit stop or access to public transit such as shuttle 4-22

[34] https://www.fontana.org/DocumentCenter/View/27554/Appendix-Six---Environmental-Justice

service for employees. The Project is not consistent with Transportation Demand Management Actions and Strategies where it proposes nothing to "incentivize active transportation commuting or ride share modes."

In short, the EIR's conclusion that the "project is the type of land use development that is encouraged by the RTP/SCS to reduce VMT and expand multi-modal transportation options" is simply unsupported. (EIR p. 4.7-28). The Project fails to propose feasible measures that would decrease vehicle usage. 4-23

VII. Noise Impacts Are Significant During Construction and Operation

Contrary to the EIR's conclusion, the Project's construction noise impacts are significant. For instance, in all phases of Project construction, noise levels at Receiver "R3" are far greater than the allowable daytime noise level. *See*, EIR Table 4.11-8. Given that construction is anticipated to occur over a period of at least 12 months, six days a week, this noise is not "temporary and sporadic" as claimed. It represents a "substantial temporary increase in ambient noise levels" when compared to existing ambient noise levels. Moreover, the fact that construction will be limited to the prescribed hours under the Municipal Code does not eliminate the CEQA/environmental impact. Pursuant to the thresholds of significance, construction noise impacts are significant. It is also unclear why noise is assumed to occur at least 50 feet from noise receptors, when a residential property is located 15 feet from the Project site. Presumably site preparation and other activities will occur closer than 50 feet to the nearest property. 4-24

With respect to operational noise, the noise study states in a footnote that it calculates a 20 dBA "noise attenuation rate" in terms of whether the Project would cause a significant noise impact during nighttime hours. The noise study does not explain its reliance on this 20 dBA reduction. To the extent the noise study assumes a "windows closed" scenario at nighttime, it is not known whether this assumption is appropriate. Because loading dock operations alone would cause noise levels of 62.4 dBA at Receiver R3, impacts are significant in terms of the City's 45 dBA interior noise standard, and it cannot be assumed, without further information, that a *20 dBA* reduction is appropriate. Additionally in terms of Table 4.11-3, it is unclear to the reader why the combined noise source activities result in the same noise level as the loading dock activity noise level alone; in other words, the EIR concludes that loading dock activity results in a noise level of 62.4 dBA while the "total" noise levels from "all sources" results in that same noise level of 62.4 dbA. In looking at R4, for instance, the combined noise level from total sources is greater than any individual noise producing source. Given that the noise level of 62.4 dBA is very close to the threshold of 65 dBA, it is important that noise levels are accurately calculated. 4-25

Operational noise impacts are also significant in terms of the Project causing a substantial permanent increase over existing noise levels. For instance, for Receiver R3, the Project causes a 7.1 dBA (daytime) a 7.6 dBA (nighttime) increase over existing conditions. *See,* Noise Study Tables 9-6, 9-7. This is a significant operational noise impact. Accordingly, noise-generating activities, such as loading dock activity, must be restricted during nighttime hours. 4-26

The noise study also appears to assume a "uniform distance of 50 feet" in calculating operational noise impacts, when in fact noise receptors are much closer than 50 feet, and when noise must be measured at the property line with adjacent uses, such as the residential property located a mere 15 feet from the Project site. 4-27

VIII. The Reduced Density Alternative Must Be Adopted Where it Eliminates a Significant Project Impact and Meets Project Objectives

The EIR concludes the "Reduced Density" Alternative would "eliminate" the Project's significant and unavoidable NOx air quality impacts as well as reduce the Project's significant greenhouse gas emissions and transportation impacts. (*See*, EIR, Table 8.04-4). As such, this alternative must be adopted in lieu of the proposed project. Public Resources Code section 21002 states,"[t]he Legislature finds and declares that it is the policy of the state that **public agencies should not approve projects as proposed if there are feasible alternatives** or feasible mitigation measures **available which would substantially lessen the significant environmental effects of such projects**…" (emphasis added) 4-28

The Reduced Density Alternative satisfies all of the "Project Objectives" insofar as it develops an industrial use on a vacant site that is capable of generating employment and would be adjacent to existing infrastructure as well as consistent with applicable design standards. Because the Alternative meets objectives and is feasible, it must be adopted. Other alternatives, such as the housing alternative in lieu of a major industrial development at the site, are also feasible.

IX. Conclusion

Sierra Club urges the City to update the EIR and adopt all feasible mitigation and project alternatives as discussed above. 4-29

Thank you for the opportunity to comment on the EIR.

Sincerely,

Abigail Smith

Abigail Smith

Enclosures

EXHIBIT "1"

EXHIBIT "1"

(j) Provide on-site food service options for the construction crew.

(k) Provide shuttle service to transit stations/multimodal centers for the construction crew.

(l) Project building roofs or passenger vehicle parking areas shall be designed to allow the future installation of passive or active solar systems.

Summary of Construction Impacts After Mitigation. After implementation of **Mitigation Measures 4.3.6.2A** through **4.3.6.2F**, air quality impacts of the project, under either the Proposed Site Plan or the Option A Site Plan, from construction emissions will be less than significant. Due to its size and nature, it is presumed construction of the proposed City park would have less than significant air quality impacts with implementation of standard design features and compliance with standard SCAQMD construction emission control measures.

Operational Emissions. As outlined in the project description (Section 3.4), the end users of the warehouses are not known at this time, so 24/7 operation was assumed, and it was also assumed up to 50% of the warehouse space may be refrigerated. Operational activities associated with the proposed project will result in emissions of ROG, NOx, CO, SOx, PM_{10}, and $PM_{2.5}$ from the following sources:

(a) Area Source Emissions;

(b) Energy Source Emissions;

(c) Mobile Source Emissions; and

(d) On-site Equipment Emissions.

Area Source Emissions. Over time, the project buildings will cause emissions from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings as part of project maintenance. In addition, project occupants will use various consumer products including detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds, which, when released in the atmosphere, can react to form ozone and other photochemically reactive pollutants. Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel.

Energy Source Emissions. Electricity and natural gas are used by almost every project. Criteria pollutant emissions are emitted through the generation of electricity and consumption of natural gas. However, because electrical generating facilities for the project area are located either outside the region (State) or offset through the use of pollution credits (RECLAIM) for generation within the Basin, criteria pollutant emissions from off-site generation of electricity is generally excluded from the evaluation of significance and only natural gas use is considered.

Mobile Source Emissions. Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the project on peak hour traffic volumes and traffic operations in the vicinity of the project. The project-related operational air quality impacts derive primarily from vehicle trips generated by the project. Vehicle tailpipe source emissions are regulated by the CARB and U.S. EPA and the project air quality study described that, as the result of CARB and U.S. EPA actions, Basin-wide vehicular-source emissions have been reduced dramatically over the years and are expected to further decline as clean vehicle and fuel technologies improve.

Project mobile source air quality impacts are dependent on both overall daily vehicle trip generation and the effect of the project on peak hour traffic volumes and traffic operations in the vicinity of the project. Data from the project traffic study was used to estimate project vehicle (both passenger

vehicles and trucks of various lengths) using International Transportation Engineers (ITE)[1] land use code 150 (Warehousing) as recommended by the SCAQMD. The trip generation assumptions also assumed trips associated with the City Park. The SCAQMD recently performed surveys of existing facilities and compiled the data to provide interim guidance on the mix of heavy trucks for these types of warehousing/distribution facilities. Based on this interim guidance from the SCAQMD, the following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the site: 22.0 percent of the total trucks as 2-axle trucks, 17.7 percent of the total trucks as 3-axle trucks, and 60.3 percent of the total trucks as 4+-axle trucks.

The air study also used "worst-case" trip lengths and VMT estimates recommended by the SCAQMD. For passenger car trips, the CalEEMod default for a one-way trip length of 16.6 miles was assumed. For heavy duty trucks, an average trip length was derived from distances from the project site to the far edges of the Basin as follows: (a) project site to the Port of Los Angeles/Long Beach = 64 miles; (b) project site to Cajon Pass = 37 miles; (c) project site to San Diego County line = 68 miles; (d) project site to Banning Pass = 60 miles; and (e) project site to Downtown Los Angeles = 46 miles. Assuming that 50 percent of all delivery trips will travel to and from the project and the Port of Los Angeles/Long Beach, and the remainder as distribution trips to all other locations, a composite average truck trip length of 58 miles was used on this study. In addition to vehicular exhaust emissions, vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust including tire wear particulates.

Onsite Equipment Emissions. It is common for an industrial warehouse project to require cargo handling equipment to move empty containers and empty chassis to and from the various pieces of cargo handling equipment that receive and distribute containers. The most common type of cargo handling equipment is the yard truck, which is designed for moving cargo containers. Yard trucks are also known as yard goats, utility tractors, hustlers, yard hostlers, and yard tractors. Also, HVAC and other mechanical equipment are considered onsite sources of emissions. The air quality study used reasonable assumptions about the size and duration of equipment that would be used on site during operations, as outlined in Tables 3.B and 3.C in the Project Description.

Mitigation Measures for Operational Impacts. The following measures are recommended to help reduce potential air pollutant emissions from project operation to the greatest extent practical:

4.3.5.2G The truck access gates and loading docks within the truck court on the project site shall be posted with signs that state:

(a) Truck drivers shall turn off engines when not in use;

(b) Diesel delivery trucks servicing the project shall not idle for more than five (5) minutes; and

(c) Telephone numbers of the building facilities manager and the CARB to report violations.

4.3.5.2H The site shall be designed and maintained so that trucks may check in within the facility area to prevent queuing of trucks outside the project property. In addition, signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged.

4.3.5.2I The following shall be implemented during all project operations, to the satisfaction of the City Planning Department:

[1] ITE *Trip Generation* manual 2013.

(a) At no time shall more than 50% of the floor area of each warehouse building be allocated for refrigerated space.

(b) Encourage all fleet vehicles to conform to 2010 air quality standards or better. Users shall maintain compliance through normal course of business. Any spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration shall be prohibited from accessing the site.(c) Install catalytic converters on gasoline-powered equipment.

(c) Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.

(d) Utilize electrical equipment for landscape maintenance.

(e) All forklifts shall be electric or natural gas powered.

(f) Prohibit idling of trucks for periods exceeding three minutes.

(g) Charge reduced or no parking fee for EVs and CNG vehicles.

(h) Provide preferential parking locations for EVs and CNG vehicles.

(i) Provide preferential parking for carpool/vanpool vehicles.

(j) Provide information for workers on ride sharing and transit opportunities.

(k) Provide secure, weather protected bicycle parking for employees.

(l) Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.

4.3.5.2J On January 1 of each year, each separate user of the project shall demonstrate in writing to the City Planning Department that its truck fleet complies with the EPA SmartWay program to reduce freight transportation-related climate change and air pollutant emissions by accelerating the use of advanced fuel-saving technologies including but not limited to aerodynamic devices for trailers and low rolling resistance (LRR) tires for tractors and trailers.

Summary of Operational Emission Impacts. Tables 4.3.G and 4.3.H summarize the estimated daily emissions during full operation of the project, including area sources, energy, mobile sources, on-site equipment, and railroad emissions, both without and with the recommended mitigation. The results reflect the estimated worst-case conditions for either summer or winter, whichever is higher, for the particular criteria pollutant. The air quality assessment determined that NOx emissions from the project under either the Proposed Site Plan or the Option A Site Plan will exceed the SCAQMD daily significance thresholds even with implementation of **Mitigation Measures 4.3.5.2G** through **4.3.5.2J**. Therefore, even with implementation of all these measures, **project operational NOx emissions are considered significant and unavoidable.** By comparison, programmatic air quality impacts of development of a City park would be less than significant and would not need to implement the mitigation measures recommended for the development portion of the project.

Table 4.3.G: Peak Operational Daily Emissions Without Mitigation

Operational Activities	Daily Emissions (pounds per day)					
	VOC	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
Area Sources	34.0	<0.01	0.3	<0.01	<0.01	<0.01
Energy Sources	1.2	11.0	9.5	0.1	0.9	0.9
Mobile Sources	18.0	114.0	238.0	0.8	56.0	16.0
Warehouse Equipment	0.6	5.7	4.8	<0.01	0.4	0.4

EXHIBIT "2"

EXHIBIT "2"

be powered by diesel fueled engines that comply with the CARB/U.S. EPA Tier IV Engine standards for off-road vehicles or better (defined as less than or equal to 0.015 g/bhp-hr. for PM_{10}) and all on-site indoor forklifts would be powered by electricity, compressed natural gas, or propane. (Urban Crossroads, Inc., 2016a, p. 41)

Vehicles

Air pollutant emissions would result from the operation of motor vehicles by building occupants, visitors, employees, and customers. Project-related vehicular air pollutant emissions are dependent on the Project's daily vehicle trip generation and the characteristics of those trips. Information related to the Project's daily vehicle trip generation and vehicle trip characteristics was obtained from the Project's Traffic Impact Analysis contained as *Technical Appendix I1* to this EIR.

For purposes of the Air Quality Impact Analysis, (*Technical Appendix B1*) the following Institute of Transportation Engineers (ITE) land use codes and vehicle mixes were utilized for Project-related vehicle trips:

- Based on the land uses intended for these buildings, ITE land use code 110 (General Light Industrial) was used by Urban Crossroads, Inc. to derive site specific trip generation estimates for Buildings 2 through 4. The ITE Trip Generation manual includes limited data regarding the types of vehicles that are generated for general light industrial uses (passenger cars and various sizes of trucks). As such, data regarding the vehicle mix was obtained from a separate report; the *City of Fontana Truck Trip Generation Study* (August 2003) for the general light industrial uses proposed as part of the Project. Buildings 2 through 4 are proposed to be occupied by light industrial building users. The "Light Industrial" vehicle mix data was utilized for all 3 buildings. As identified in the Project's Traffic Impact Analysis (*Technical Appendix I1*), the following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the light industrial land uses: 37.40% of the total trucks as 2-axle trucks, 18.23% of the total trucks as 3-axle trucks, and 44.37% of the total trucks as 4+-axle trucks. (Urban Crossroads, Inc., 2016a, p. 38)

- Similarly, because of the land use, ITE land use code 152 (High-Cube Warehousing) was used by Urban Crossroads, Inc. to derive site specific trip generation estimates for Building 1. Total vehicle mix percentages were also obtained from the ITE Trip Generation manual in conjunction with the SCAQMD recommended truck mix, by axle type. The SCAQMD is currently recommending the use of the ITE Trip Generation manual in conjunction with their truck mix by axle-type to better quantify trip rates associated with local warehouse and distribution projects, as truck emissions represent more than 90 percent of air quality impacts from such projects. The percentage of trucks was determined from the ITE Trip Generation manual. As noted in the ITE Trip Generation Manual, the truck trip generation rate for weekday daily traffic is 0.64 or 38.1% of the total traffic. Trip generation for heavy trucks was further broken down by truck type (or axle type). The total truck percentage is comprised of three different truck types: 2-axle, 3-axle, and 4+-axle trucks. For the purposes

of the air quality impact analysis (*Technical Appendix B1)*, the percentage of trucks, by axle type, was obtained from the SCAQMD interim recommended truck mix. The SCAQMD performed surveys of existing facilities and compiled the data to provide interim guidance on the mix of heavy trucks for these types of high-cube warehousing/distribution facilities. Based on this interim guidance from the SCAQMD, the following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the high-cube warehouse land uses: 22.0% of the total trucks as 2-axle trucks, 17.7% of the total trucks as 3-axle trucks, and 60.3% of the total trucks as 4+-axle trucks. (Urban Crossroads, Inc., 2016a, pp. 38-39)

The Project's Traffic Impact Analysis (*Technical Appendix I1*) presents the total Project vehicle trips in terms of Passenger Car Equivalents (PCEs) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purposes of the air quality impact analysis (*Technical Appendix B1*), however, the actual number of vehicles, by vehicle classification (e.g., passenger cars (including light trucks), heavy trucks) were used in the analysis to more accurately estimate and model vehicular-source emissions. (Urban Crossroads, Inc., 2016a, p. 38)

A limitation inherent in calculating the projected vehicle emissions associated with any project is related to the estimation of trip length and vehicle miles traveled (VMT). VMT for a given project is calculated by the total number of vehicle trips to/from the Project multiplied by average trip length. This method of estimating VMT for use in calculating vehicle emissions likely results in the over-estimation and double-counting of emissions because, for an industrial business park such as the Project, the land use is likely to attract (divert) existing vehicle trips that are already on the circulation system as opposed to generating new trips. In this regard, the Project would, to a large extent, redistribute existing mobile-source emissions rather than generate additional emissions within the Basin. As such, calculations of the Project's vehicular-source emissions reported in this EIR are likely overstated in that no credit for, or reduction in, emissions is assumed based on diversion of existing trips. (Urban Crossroads, Inc., 2016a, p. 39)

The CalEEMod™ and the URBan EMISsions models use a default trip length of approximately 12.6 miles. However, 12.6 miles may not be representative of the actual average trip length for warehouse, distribution center, and industrial land use projects. SCAQMD asserts that most of the heavy-duty trucks would be hauling consumer goods, often from the Ports of Long Beach and Los Angeles and/or to other long-haul destinations. For this reason, SCAQMD generally recommends the use of a 40-mile one-way trip length. In comparison, SCAG's most recent (2008) transportation validation for the 2003 Regional Model indicates the average internal truck trip length for the SCAG region is 5.92 miles for Light Duty Trucks, 13.06 miles for Medium Duty Trucks, and 24.11 miles for Heavy Duty Trucks. (Urban Crossroads, Inc., 2016a, p. 40)

To maintain analytic consistency and establish the maximum impact scenario noted above, the following approach was utilized by Urban Crossroads, Inc. in calculating emissions associated with vehicles accessing the Project:

For passenger car trips, the CalEEMod default for a one-way trip length of 16.6 miles was assumed. For heavy duty trucks, an average trip length was derived from distances from the Project site to the far edges of the SCAB. It is appropriate to stop the VMT calculation at the boundary of the SCAB because this approach is also consistent with professional industry practice and accurately captures all potential foreseeable impacts. (Urban Crossroads, Inc., 2016a, p. 40)

- Project site to the Port of Los Angeles/Long Beach: 80 miles;
- Project site to East on State Route 60: 30 miles;
- Project site to San Diego County line: 60 miles;
- Project site to Inland Empire: 50 miles;
- Project site to Perris destinations: 10 miles;
- Project site to Moreno Valley destinations: 10 miles;

Assuming that 50 percent of all delivery trips would travel to and from the Project site and the Port of Los Angeles/Long Beach, 10 percent go east on State Route 60 (SR-60), 20 percent go to San Diego, 10 percent go to the Inland Empire, 5 percent go to Perris destinations, and 5 percent go to Moreno Valley destinations, the average Project-related truck trip length is calculated as 61 miles. (Urban Crossroads, Inc., 2016a, p. 40)

Two separate model runs were utilized by Urban Crossroads, Inc. The first model run analyzed passenger car emissions, which incorporated a default trip length of 16.6 miles for passenger cars and a fleet mix of 100 percent Light-Duty-Auto vehicles (LDA). The second model run analyzed truck emissions, which incorporated an average truck trip length of 61 miles and a fleet mix of 22.03 percent Light-Heavy-Duty Trucks (LHD), 17.66 percent Medium-Heavy-Duty Trucks (MHD), and 60.31 percent Heavy-Duty Trucks (HHD) was used for High-Cube Warehouse and a fleet mix of 37.40 percent LHD, 18.23 percent MHD, and 44.37 percent HHD was used for General Light Industrial Warehouse. (Urban Crossroads, Inc., 2016a, pp. 40-41)

Fugitive Dust from Vehicular Travel

Vehicles traveling on paved roads would be a source of fugitive emissions due to the generation of road dust inclusive of tire wear particulates. The emissions estimate for travel on paved roads were calculated using the CalEEMod model. (Urban Crossroads, Inc., 2016a, p. 41)

Operational Localized Pollutant Emissions

For operational LSTs, on-site passenger car and truck travel emissions were modeled in AERMOD using emission factors for CO, NO_2, PM_{10}, and $PM_{2.5}$ generated with the 2014 version of the Emission FACtor model (EMFAC) developed by the ARB. EMFAC 2014 is a mathematical model that was developed to calculate emission rates from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the ARB to estimate changes in future emissions from on-road mobile sources. Outputs from the model runs for operational LSTs are provided in Appendix 3.3 of *Technical Appendix B1*. For this Project, criteria pollutant emission factors were generated by running EMFAC 2014 in EMFAC Mode for vehicles in the SCAQMD

within Riverside County. The EMFAC Mode generates emission factors in terms of grams of pollutant emitted per vehicle activity and can calculate a matrix of emission factors at specific values of temperature, relative humidity, and vehicle speed. The model was run for speeds traveled in the vicinity of the Project. The vehicle travel speeds for each segment modeled are summarized below. (Urban Crossroads, Inc., 2016a, p. 52)

- Idling – assumed 15 minutes of idling for passenger cars and trucks
- 5 miles per hour – on-site vehicle movement including driving and maneuvering

Although the Project would be required to comply with CARB's idling limit of 5 minutes, pursuant to SCAQMD staff recommendations, Urban Crossroads, Inc. calculated on-site emissions for 15 minutes of truck idling which occurs while trucks are waiting to pull up to truck bays, idling at truck bays, and idling at check-in and check-out, etc. (Urban Crossroads, Inc., 2016a, p. 52)

On-site equipment was modeled using area sources encompassing the Project's loading docks adjacent to the building boundaries. Associated transport refrigeration units (TRUs) were modeled using point sources representative across loading dock areas. (Urban Crossroads, Inc., 2016a, p. 52)

Diesel Particulate Emissions

Vehicle DPM emissions were calculated using emission factors for PM_{10} generated with the 2014 version of the EMFAC developed by the CARB. Refer to Section 2.2 *Emissions Estimation*, of the Project's Mobile Source Diesel Health Risk Assessment (*Technical Appendix B2*) for a detailed description of the model inputs and equations used in the estimation of the Project-related DPM emissions. (Urban Crossroads, Inc., 2016b, pp. 18-27)

The potential health risks of Project-related DPM emissions were quantified in accordance with the guidelines in the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Pursuant to SCAQMD's recommendations, emissions were modeled using the U.S. EPA's AERMOD software program. For informational purposes, potential health risks were modeled using both the 2003 and 2015 California Office of Environmental Health Hazard Assessment (OEHHA) receptor exposure parameters. Refer to Section 2.3, *Exposure Quantification*, of the Mobile Source Diesel Health Risk Assessment (*Technical Appendix B2*) for a detailed description of the model inputs and equations used in the calculation of average particulate concentrations associated with operations at the Project site. (Urban Crossroads, Inc., 2016b, pp. 27-30)

Excessive health risks associated with exposure to DPM emissions are defined in terms of the probability of developing cancer or adverse, chronic non-cancer health effects as a result of exposure to DPM emissions at a given concentration. The cancer and non-cancer risk probabilities are determined through a series of equations to calculate unit risk factor, cancer potency factor, and chronic daily intake. The equations and input factors utilized in the Project analysis were obtained from OEHHA. Refer to Section 2.4, *Carcinogenic Chemical Risk,* of the Project's Mobile Source

EXHIBIT "3"

EXHIBIT "3"

Mobile Sources (vehicles)

Vehicle Exhaust/Tailpipe Emissions

Project-related operational air quality impacts derive predominantly from mobile sources. In this regard, approximately 98 percent (by weight) of all Project operational-source emissions would be generated by mobile sources (vehicles). Vehicle exhaust impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Vehicle trip characteristics available from the Project Traffic Impact Analysis (Project TIA, EIR Appendix B) were employed in the Project AQIA. For the Project mobile-source emissions, air quality impacts have been evaluated employing assumptions and protocols reflected in the South Coast Air Quality Management District *Draft Warehouse Truck Trip Study* (SCAQMD) December 2014 (Draft Warehouse Truck Trip Study); and reflecting likely maximum trip lengths as follows:

- For passenger car trips, the CalEEMod default for a one-way trip length of 16.6 miles was assumed.

- For heavy duty trucks, average trip length were employed reflecting distances from the Project site to the far edges of the South Coast Air Basin (SCAB.)

    - Project site to the Port of Los Angeles/Long Beach: 80 miles;
    - Project site to East on State Route 60: 30 miles;
    - Project site to San Diego County line: 60 miles;
    - Project site to Inland Empire: 50 miles;
    - Project site to Perris destinations: 10 miles;
    - Project site to Moreno Valley destinations: 10 miles.

Assuming that 50% of all delivery trips will travel to and from the Project and the Port of Los Angeles/Long Beach, 10% go East on the State Route 60, 20% go to San Diego,

10% go to the Inland Empire, 5% go to Perris destinations and the remainder as Moreno Valley destinations. The average truck trip length is calculated as 61 miles.

Mobile-source vehicle tail pipe emissions cannot be materially controlled or mitigated by the Lead Agency or the Project Applicant. Rather, these emissions sources are regulated by CARB and USEPA. As summarized herein at Section 4.2.5, Regional Air Quality Trends, as the result of CARB and USEPA actions, Basin-wide vehicular-source emissions have been reduced dramatically over the past years and are expected to further decline as clean vehicle and fuel technologies improve. Future CARB and USEPA actions could be expected to have a positive effect on Project-related vehicular-source emissions, resulting in incremental reductions in vehicular-source emissions when compared to either the Project AQIA emissions estimates.

Fugitive Dust Related to Vehicular Travel

Project traffic would be a source of fugitive emissions due to the generation of road dust including particulate matter resulting from tire wear.

Stationary/Area Sources

Combustion Emissions Associated with Natural Gas and Electricity

Electricity and natural gas are used by almost every development project. Criteria pollutants are emitted through the generation of electricity and the consumption of natural gas. Because electrical generating facilities for the Project area are located either outside the region, are separately evaluated under their own environmental analyses, and/or are offset through the use of pollution credit, criteria pollutant emissions from offsite generation of electricity have been excluded from the analysis presented here.

Landscape Maintenance Emissions

Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include

EXHIBIT "4"

EXHIBIT "4"


EV
CHARGING
ONLY
LEVITON
EV
CHARGING
ONLY
LEVITON

EXHIBIT "5"

EXHIBIT "5"

Surrounding Areas

The unincorporated County property to the north of the project site is zoned Residential Agriculture, one acre minimum lot size (R-A-1). Areas to the east and south are also zoned R-A-1 and W-2. The General Plan Designation to the north of the project site is primarily RM. The area to the east and south of the project site is also designated VLDR. The area to the southeast of the project site, near the I-10 Freeway, is designated Commercial Retail (CR).

The areas directly west of the project site located within the City of Calimesa are zoned and designated by the Calimesa General Plan as Commercial Regional, Residential Low (2 to 4 dwellings per acre), and Residential Low Medium (4 to 7 dwellings per acre). The area within the City of Calimesa that lies to the north and northwest of the project site is zoned/designated as Rural Residential (RR) (0 to 2 dwellings per acre). Two exhibits illustrate the designations of the surrounding areas: Exhibit 2-4 shows the land use designations of the project site and surrounding areas; and Exhibit 2-5 shows the zoning classifications of the project site and surrounding areas. Refer to Section 3.10 of this RDEIR for more detailed descriptions of the surrounding land uses.

2.2.4 - Project Applicant and Landowner

The applicant/owner, TSG Cherry Valley, LP, is represented by Shopoff Realty Investments and has submitted the proposed San Gorgonio Crossing Project to the County of Riverside for review and approval.

2.3 - Project Characteristics

2.3.1 - Description of the Project

Environmental Impact Report No. 534 (the County EIR reference number) provides an environmental analysis of the potential impacts of the project, which includes the following components: General Plan No. 1079 (an entitlement/policy amendment), Change of Zone No. 7799, Tentative Parcel Map No. 36564, and Plot Plan No. 25337. The San Gorgonio Crossing Project site totals approximately 229 acres. The project includes an additional 16 acres located within the City of Calimesa that would be used for project infrastructure purposes. Approximately 140.23 acres would be included within the developed portion of the project, and 84.8 acres would remain as natural open space (approximately 36 percent of the project site). The project consists of two high-cube warehouse buildings[1] that would be designed to be eligible for Leadership in Energy and Environmental Design (LEED) Silver Certification. Building 1 would cover approximately 811,000 square feet and Building 2 would cover approximately 1,012,760 square feet, for a total of approximately 1,823,760 square feet of floor area. The two warehouses would include approximately 30,000 square feet of office space. A site plan for the project is shown in Exhibit 2-6.

The proposed site plan consists of two high-cube warehouse buildings planned north of Cherry Valley Boulevard, to the east and west of re-aligned Roberts Road. The buildings would be designed for Class IIIB construction, and Occupancy Class S-1, B. These facilities are planned to house a variety of high-

[1] According to the Institute of Transportation Engineers, a high-cube warehouse is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses.

cube warehouse distribution/logistics uses. Both buildings would be approximately 47 feet in height. Building 1 would contain an office on the southwest and southeast corner of the proposed building. Building 2 would contain four office areas located at each corner of the proposed building. Both buildings would be of concrete tilt and glass construction. Additionally, the project includes the use of solar panels on its roofs, which would provide approximately 23 percent of the project's power needs.

The project would utilize neutral earth tones and architectural features to provide a rural design scheme that is in keeping with the existing character of the surrounding area. The elevations would generally include rural, western, and agricultural elements. For example, the project would utilize shades of brown with natural accent colors for the majority of the building elevations. The project buildings would also include decorative metal canopies, appropriate signage, and barn style façades.

In accordance with county landscaping standards, the project would provide extensive landscaping along the project frontage and within Cherry Valley Boulevard. Theme fencing would be located behind landscaped parkways between meandering sidewalk systems and the multi-purpose trail to prevent cross-over and degradation of landscape parkway plant material. Landscape medians would be designed with a decorative landscape maintenance strip along the edges of the curb and along median areas in width near turning lanes that match entry monumentation themes. All utilities would be located under street paving and not under landscape medians, to allow for street tree planting within landscape medians. Landscape parkways between the curb and the sidewalk will be a minimum width of 5 feet (including curb), and landscape parkways between the 5-foot meandering sidewalk and the 10-foot-wide, multi-purpose trail would be a minimum of 4 feet wide. Motorists and pedestrians traveling east along Cherry Valley Boulevard would see four separate layers of landscaping, and a berm separating the roadway from the project.

The project would provide 120 parking spaces for office use and would include warehouse parking and trailer parking to establish a total of 1,237 spaces, as well as additional bike spaces. A conceptual site plan for the project is shown in Exhibit 2-6.

Both buildings would be designed to accommodate cross-dock usage, with 136 dock doors for Building 1 and 170 dock doors for Building 2. Electric trailer movers would be used in place of traditional diesel-powered movers to move trailers throughout the project site, and would reduce the amount of emissions generated.

A public street—located between Building 1 and Building 2—would provide access to existing residences generally to the north of the project site that currently take access through the project site via a dirt road. The street would replace the existing dirt road, be approximately 1,600 feet in length, be designed to Riverside County standards, and provide residents access through the project site. Three access points would be provided off Cherry Valley Boulevard. A landscaped, raised median would be installed on Cherry Valley Boulevard to direct project traffic and improve the aesthetics of the streetscape. Refer to Exhibit 2-7 for an illustration of the proposed street section.

EXHIBIT "6"

EXHIBIT "6"

a. If visible dirt or accumulated dust is carried onto paved roads during construction, the contractor shall remove such dirt and dust at the end of each workday by street cleaning.

b. Street sweepers shall be certified by the South Coast Air Quality Management District as meeting the Rule 1186 sweeper certification procedures and requirements for PM10-efficient sweepers. All street sweepers having a gross vehicle weight of 14,000 pounds or more shall be powered with alternative (non-diesel) fuel or otherwise comply with South Coast Air Quality Management District Rule 1186.1.

c. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust complaints. The 24-hour 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.

4.3.5.2F During project grading and construction, the following actions shall be implemented:

(a) Purchase/use low VOC emitting building materials.

(b) Grading operations shall be halted during first, second, and third stage smog alerts, and when wind speeds exceed 25 miles per hour as measured by on-site equipment.

(c) The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 5 minutes.

(d) Install catalytic converters on gasoline-powered equipment.

(e) Electrical powered equipment shall be utilized in lieu of gasoline-powered engines where technically feasible.

(f) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.

(g) Reroute construction trucks away from congested streets and sensitive receptor areas to the greatest extent possible based on traffic conditions at that time.

(h) Configure construction parking to minimize traffic interference.

(i) Minimize construction worker trips by requiring carpooling and providing for lunch on site.

(j) Provide on-site food service options for the construction crew.

(k) Provide shuttle service to transit stations/multimodal centers for the construction crew.

(l) Project building roofs or passenger vehicle parking areas shall be designed to allow the future installation of passive or active solar systems.

(m) *Temporary electricity shall be provided at the project site in-lieu of gasoline- or diesel-powered generators where feasible.*

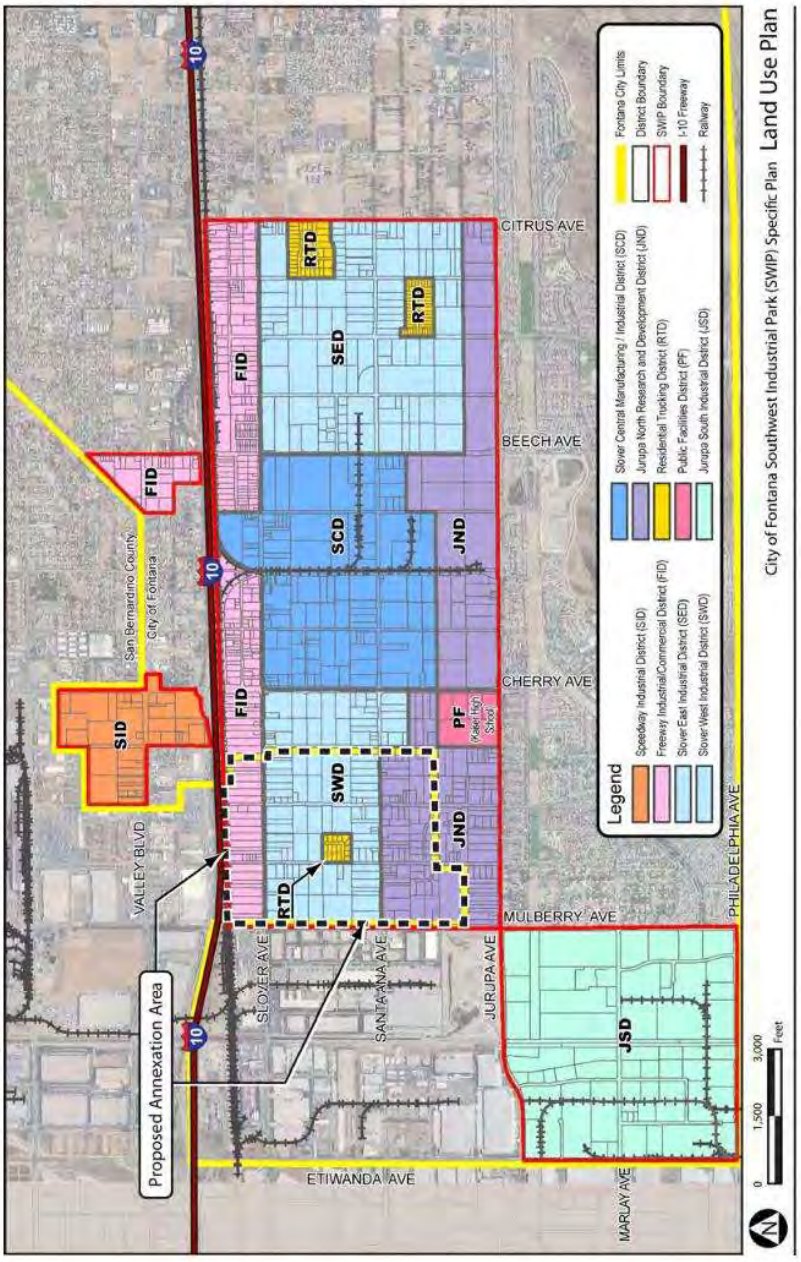
(n) The project will be constructed to exceed Title 24 energy efficiency requires by a minimum of ten (10) percent.

(o) The project will be constructed consistent with the Leadership in Energy and Environmental Design green building rating system sufficient to obtain certification from the U.S. Green Building Council.

Mitigation Measure	Implementation	Monitoring	Notes/Initials
from the U.S. Green Building Council.			
4.3.5.2G The truck access gates and loading docks within the truck court on the project site shall be posted with signs that state: (a) Truck drivers shall turn off engines when not in use; (b) Diesel delivery trucks servicing the project shall not idle for more than five (5) minutes; and (c) Telephone numbers of the building facilities manager and the CARB to report violations.	**Responsible Party(s)** Project applicant or applicant's representative/contractor **Implementation Phase** Prior to Issuance of Grading Permit	**Responsible Party(s)** City of Fontana **Monitoring Period** Prior to Issuance of Grading Permit	
4.3.5.2H The site shall be designed and maintained so that trucks may check in within the facility area to prevent queuing of trucks outside the project property. In addition, signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged.	**Responsible Party(s)** Project applicant or applicant's representative/contractor **Implementation Phase** Prior to Demolition	**Responsible Party(s)** City of Fontana **Monitoring Period** Prior to the Issuance of Demolition Permit	
4.3.5.2I The following shall be implemented during all project operations, to the satisfaction of the City Planning Division: (a) At no time shall more than 50% of the floor area of each warehouse building be allocated for refrigerated space. (b) Encourage all fleet vehicles to conform to 2010 air quality standards or better. Users shall maintain compliance through normal course of business. Any spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration shall be prohibited from accessing the site. (c) Install catalytic converters on gasoline-powered equipment. (d) Electrical powered equipment shall be utilized in-lieu of gasoline- or diesel-powered engines where technically feasible. (e) Utilize electrical equipment for landscape maintenance. (f) All forklifts shall be electric or natural gas powered. (g) Prohibit idling of trucks for periods exceeding three minutes. (h) Two electric vehicle charging stations will be provided near the office area of each new warehouse building (max. 4 charging stations). (i) Provide preferential parking locations for EVs and CNG vehicles.	**Responsible Party(s)** Project applicant or applicant's representative/contractor **Implementation Phase** Prior to Building Phase and During Construction	**Responsible Party(s)** City of Fontana **Monitoring Period** Prior to Issuance of Building Permit and During Construction	

EXHIBIT "7"

EXHIBIT "7"


City of Fontana Southwest Industrial Park (SWIP) Specific Plan Land Use Plan
Legend
Speedway Industrial District (SID)
Freeway Industrial/Commercial District (FID)
Slover East Industrial District (SED)
Slover West Industrial District (SWD)
Slover Central Manufacturing / Industrial District (SCD)
Jurupa North Research and Development District (JND)
Residential Trucking District (RTD)
Public Facilities District (PF)
Jurupa South Industrial District (JSD)
Fontana City Limits
District Boundary
SWIP Boundary
I-10 Freeway
Railway
Proposed Annexation Area
CITRUS AVE
BEECH AVE
CHERRY AVE
MULBERRY AVE
ETIWANDA AVE
SLOVER AVE
SANTA ANA AVE
JURUPA AVE
PHILADELPHIA AVE
MARIJAY AVE
VALLEY BLVD
San Bernardino County
City of Fontana
SID
FID
SED
SCD
JND
SWD
RTD
PF
JSD
0
1,500
3,000
Feet

RESPONSE NO. 4

Abigail Smith
Sierra Club-San Gorgonio Chapter
September 24, 2020

4-1 This comment includes a general summary of the proposed project and states that the Draft EIR "contains flaws and omissions, and must be revised, and further mitigation and alternatives adopted." Responses to specific comments are provided below.

4-2 This comment states that the project should be designed to include more buffering between the industrial and adjacent residences, citing the California Air Resources Board (CARB) recommendation that warehouse land uses should not be located within 1,000 feet of residential uses or areas designated for residential development. The commenter is correct in stating that the nearest sensitive receptor is an existing residential home which is located approximately 15 feet east of the project site; see Draft EIR page 4.2-2. As concluded in Draft EIR Section 4.2, *Air Quality*, construction and operational activities associated with the development site would result in less than significant localized air quality impacts with implementation of Mitigation Measure AQ-2. Mitigation Measure AQ-2 would require Tier 3 construction equipment during the site preparation phase of construction. The proposed project would not result in carbon monoxide (CO) hot spots nor would operations of the operations of the projects diesel truck trips would not cause a significant cancer or noncancer health risk impact to the nearby residential, worker, and school child sensitive receptors; refer to Draft EIR page 4.2-25. Thus, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant with mitigation incorporated. It should be noted that the project has been designed to be located as far from existing residences as allowed for by project site characteristics. As shown on Draft EIR Exhibit 3.0-9, *Conceptual Site Plan*, the proposed buildings would be set back from residential uses to the east with a 30-foot wide fire lane. Thus, the project is not required to adhere to any additional buffer zone requirements.

The commenter continues by stating that the "proposed warehouses, with their influx of trucks, is simply incompatible with the surrounding residential community for various reasons including air quality." The proposed warehouse facility would be sited near the existing Southwest Industrial Park, a major logistical hub in the City and County. As discussed previously, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant with incorporation of Mitigation Measure AQ-2. Thus, the City affirms that the development site would not bring irreversible adverse changes to the surrounding community.

4-3 The commenter states that the project description is faulty, requesting that the Draft EIR is revised to specifically identify cold storage proposed during project operations. As stated on Draft EIR page 3.0-35 and Draft EIR Exhibit 3.0-9, the development site does not propose and is not designed for cold storage uses and it is not reasonably foreseeable that cold storage would be constructed. However, future tenants of the proposed project are unknown at the time of this writing and therefore future tenants may apply to amend the project entitlements to include cold storage. Consequently, including detailed analysis of cold storage uses at this time would be considered speculative, which CEQA discourages (see CEQA Guidelines Section 15145). The Draft EIR includes a mitigation measure specifically stating that in the event that such use is proposed,

an amendment would be required to the project's entitlements to ensure such uses are analyzed in compliance with applicable laws and regulations; refer to Draft EIR Mitigation Measure AQ-1. In addition, as suggested by the commenter, and to avoid any confusion, the City will add a condition to the project entitlements clarifying that the current entitlements do not allow cold storage. Thus, the City of Fontana affirms that the Draft EIR fully discloses and evaluates the project as proposed.

4-4 The commenter states that the air quality analysis is flawed. The Draft EIR and underlying technical appendices correctly evaluate the mobile-related operational emissions, which are based on substantial evidence. The trip lengths utilized for calculating emissions are based on the regional travel demand model San Bernardino Transportation Analysis Model (SBTAM). SBTAM calculates the average trip length for trucks to be 36 miles for the high-cube transload and short-term warehouse use. The trip length for all other vehicles (passenger cars, small trucks, motorcycles, etc.) was calculated to be 14 miles for both uses.

The use of a travel demand model is supported by substantial evidence since the information contained in the model is specific to the region and for the land use type being proposed. Furthermore, the use of travel demand models is also a recommended practice that is being promoted by the Governor's Office of Planning and Research (OPR) in their updated CEQA guidelines with respect to Senate Bill 743 (SB 743). Specifically, the latest technical advisory documentation published by OPR (December 2018; refer to pages 30 to 31) explicitly states that:

> *"…agencies can use travel demand models or survey data to estimate existing trip lengths and input those into sketch models such as CalEEMod to achieve more accurate results. Whenever possible, agencies should input localized trip lengths into a sketch model to tailor the analysis to the project location."*

The procedure described by OPR in their SB 743 technical advisory is precisely the method that has been used to calculate trip lengths and consequently VMT for the project.

4-5 The commenter states the 14-mile assumption for passenger vehicles is unsupported. Refer to Response to Comment 4-4.

4-6 The commenter states the air quality analysis improperly assumes the project will operated as an unrefrigerated warehouse. Refer to Response to Comment 4-3.

4-7 The commenter states that the project must be conditioned to prohibit the import or export of soil based on the Air Quality Analysis's assumption that no construction haul trips would occur during the project's grading site preparation phase. The project's earthwork activities are expected to be balanced and no import or export of soils would be required; refer to Draft EIR page 3-30. This assumption is utilized throughout the Draft EIR and is supported on page 5 of the *Geotechnical Investigation, Two Proposed Commercial/Industrial Buildings NEC Jurupa Avenue and Juniper Avenue, Fontana, California* (Geotechnical Investigation), prepared by Southern California Geotechnical, Inc., dated April 22, 2020, which states that although the project's preliminary grading plans were not available at the time of Geotechnical Investigation, the proposed buildings are not expected to incorporate any significant below-grade construction such as basements or crawl spaces. A condition prohibiting the import or export of soil is not necessary nor required in this regard.

4-8 The commenter states that the assumptions of the air quality and traffic study in regard to truck distribution must be made conditions of the project, noting concerns that greater air quality, noise, and traffic impacts would occur if more trucks utilize Jurupa Avenue than the percentage assumed in the Draft EIR. The methodology for the project's trip distribution is elaborated in Section 4.2, *Project Trip Distribution*, of the Development Site TIA. As stated, trip distribution is the process of identifying the probable destinations, directions, or traffic routes that will be utilized by project traffic. The potential interaction between the planned land uses and surrounding regional access routes are considered, to identify the route where the project traffic would distribute. The trip distribution pattern of passenger cars is heavily influenced by the geographical location of the site, the location of surrounding uses, and the proximity to the regional freeway system. The trip distribution pattern for truck traffic is also influenced by the local truck routes approved by the City and other surrounding agencies. Given these differences, separate trip distributions were generated for both passenger cars and truck trips. Development Site TIA Exhibit 4-1, *Project (Passenger Car) Trip Distribution*, shows the trip distributions patterns for heavy trucks. Development Site TIA Exhibit 4-2, *Project (Trucks) Trip Distribution*, shows the passenger car trip distribution patterns for the project.

As elaborated in Section 4.4, *Project Trip Assignment*, of the Development Site TIA, the assignment of traffic from the project to the adjoining roadway system is based upon the project trip generation, trip distribution, and the arterial highway and local street system improvements that would be in place by the time of initial occupancy of the project. Based on the identified project traffic generation and trip distribution patterns, project average daily traffic and AM and PM peak hour traffic volumes are shown on Development Site TIA Exhibit 4-3, *Project Only Traffic Volumes (In PCE)*. Accordingly, the project's average daily truck traffic has been modelled appropriately. However, conditioning the project in regards to truck distribution is not required to avoid significant impacts. Different vehicle types have different air pollutants and GHG emission rates, and the CalEEMod modeling incorporated the overall project trip breakdown by vehicle types as identified in the Development Site TIA. Truck distribution on local roadways does not affect the air pollutants and GHG emissions because emissions were modeled at regional level only considering project overall trip distribution.

4-9 The commenter states the project must be conditioned to prohibit any truck traffic on Juniper Avenue north of Santa Ana Avenue and any other residential roadways north of the project site that are not City-designated truck routes. As shown on Development Site TIA Exhibit 4-3, truck traffic is not anticipated to impact Juniper Avenue north of Santa Anita Avenue nor is it anticipated to impact residential roadways north of the project site. Truck traffic is not expected to deviate from what has been analyzed. Thus, conditioning the project to prohibit truck traffic on these roadways is not necessary nor required.

4-10 The commenter states that mitigation measures should be required to reduce the project's significant air quality impacts, and recommends the project incorporate mitigation measures establishing fleet efficiency requirements for tenant vehicle fleets. The project is being built to specification and the future tenant(s) of the project are unknown at the time of this writing. Accordingly, it is unknown if the ultimate tenant will operate its own fleet. Moreover, most warehouse operators have no control over the trucks entering and exiting their facilities. Consequently, it is infeasible to require the use of trucks with particular emission profiles (e.g., zero-emission [ZE], near-zero-emission [NZE], or 2010 or beyond model year trucks) during project operations as tenants of the facility may not own vehicle fleets, and thus do not have

control over the specifications of the trucks utilizing the facility. It is therefore not possible to limit the trucks entering the project site.

Truck emissions primarily are regulated via Federal and State engine emissions standards. In addition, there are a number of in-progress rulemakings that, if adopted, would result in the incorporation of ZE and NZE trucks into the fleets likely to visit the project. Those rulemakings include: (1) the South Coast Air Quality Management District (SCAQMD) Warehouse Indirect Source Rule (ISR); (2) CARB Advanced Clean Trucks Rule; and (3) Medium and Heavy-Duty ZE Fleet Regulation.

The proposed Warehouse ISR would require warehouse operators to earn and surrender to the SCAQMD Warehouse Actions and Investments to Reduce Emissions (WAIRE) Points on an annual basis. The number of WAIRE Points an operator must surrender annually (WAIRE Point Compliance Obligation, aka the "WPCO") would be tied to the warehouse's Class 4 to 8 truck trips as a proxy for the warehouse's direct and indirect emissions. WAIRE Points would be generated for taking actions to reduce or mitigate air emissions. In lieu of generating and surrendering WAIRE points, warehouse operators would have to pay a Mitigation Fee to SCAQMD (amount to be determined), which SCAQMD would use to fund actions similar to those eligible to generate WAIRE Points.

The proposed CARB Advanced Clean Trucks Rule has two primary components:

- ZE Truck Sales: Manufacturers who certify Class 2B-8 chassis or complete vehicles with combustion engines would be required to sell ZE trucks as an increasing percentage of their annual California sales from 2024 to 2030. By 2030, ZE truck/chassis sales would need to be 50% of class 4 - 8 straight trucks sales and 15% of all other truck sales. Based on the currently proposed rule language at this time, manufacturer compliance is demonstrated by surrendering ZE and NZE credits to offset accumulated deficits. ZE and NZE credits may be generated starting in 2021, and deficits will be incurred starting with MY 2024.
- Company and Fleet Reporting: Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 100 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available ZE trucks and place them in service where suitable to meet their needs. Regulated entities must begin reporting by April 1, 2021 for facility operation in 2020 or any fleet of vehicles as it was comprised as of January 1, 2021.

CARB also recently initiated work on a Medium and Heavy-Duty ZE Fleet Regulation that would achieve a ZE truck and bus fleet by 2045 everywhere feasible and significantly earlier for certain market segments such as last mile delivery and drayage applications. The initial focus of the regulation reportedly would be on larger fleets with vehicles that are suitable for early electrification and large entities that hire them. CARB staff are exploring different regulatory frameworks like fleet purchase requirements (e.g., requiring larger entities to hire fleets that use ZE trucks) and establishing ZE zones where only fleets with zero-emission trucks could operate. CARB Staff are seeking feedback on specific truck applications, market segments, and timelines where truck electrification can be achieved.

4-11 The commenter states that the project should include installation of electric vehicle supply equipment (EVSE)/electric vehicle (EV) charging stations. As discussed in Draft EIR Section 4.7, *Greenhouse Gas Emissions*, the project would comply with CALGreen Nonresidential Mandatory Measure 5.106.5.3, *Electric Vehicle (EV) Charging*, and incorporate EV charging spaces on-site.

4-12 The commenter suggests additional mitigation measures to be incorporated into the project. Specifically, the commenter suggests providing funding for installation of air filtration units in nearby homes. It should be noted that air filters are used to mitigate the health impact of particulate matters. The project would not exceed significance thresholds for particulate matter (PM_{10} or $PM_{2.5}$) during project construction and operation, and impacts would be less than significant. Therefore, this mitigation measure is not necessary.

The commenter also suggests limiting truck idling to no more than three minutes. However, a 5-minute idling time limitation is the current anti-idling regulation in the state of California according to the California Air Resources Board's requirements for diesel vehicles. Further, there is no substantial evidence to support that reducing idling time limits from 5 minutes to 3 minutes would result in a significant reduction in emissions. As such, the project is not required to implement a diesel vehicle idling time limit of less than 5 minutes.

The commenter also suggests limiting the use of transport refrigeration units (TRUs) to a period of no more than 3 minutes if cold storage is utilized at the project site and requiring TRUs plugging in at the project site. Mitigation Measure AQ-1 requires that the project final design site plan would not include cold storage and facilities for TRUs, and that if it is determined that the proposed project would require TRUs or cold storage in the future, an amendment would be required to the project's entitlements to ensure such uses are analyzed in compliance with applicable laws and regulations, including CEQA. Therefore, the suggested mitigation measures are not necessary.

The commenter also suggests requiring 2010 model year engines for tenant vehicle fleets. See Response to Comment 4-10 above.

The commenter also suggests including conduit for the installation of electrical hookups at loading dock spaces. The electrical hookups would be used by TRUs. However, as discussed above, Mitigation Measure AQ-1 prohibits the inclusion of TRUs by the project and TRUs are not proposed by the project. Therefore, installing electrical hookups at loading dock spaces is not necessary.

The mitigation measures recommended in the Air Quality Analysis (Appendix B to the Draft EIR) are not included in the EIR because they are either regulatory requirements. Specifically, proposed Air Quality Analysis mitigation measures AQ-2, AQ-3, and AQ-5 are regulatory requirements. In response to this comment, the City will require proposed Mitigation Measures AQ-4 and AQ-6 through AQ-8 be added as EIR Mitigation Measures AQ-3 through AQ-6. However, there is no way to quantify the reductions from these mitigation measures with certainty, so the conclusions in the Draft EIR would remain unchanged. The operational emissions discussion on page 4.2-16 of the Draft EIR has been updated for clarification purposes and is reflected below, and in Section 3.0, *Errata*, of the Final EIR.

Page 4.2-16, Operational Emissions Summary

The project's long-term operational emissions estimates were calculated using the CalEEMod model; refer to ***Appendix B***. This model predicts ROG, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions from area, energy, mobile traffic, and on-site equipment sources associated with the proposed land uses. ***Table 4.2-7: Development Site Summary of Peak Operational Emissions*** presents the anticipated operational source emissions for the project. CalEEMod utilizes summer and winter EMFAC 2017 emission factors in order to derive vehicle emissions associated with project operational activities, which vary by season. As such, operational activities for summer and winter scenarios are presented in ***Table 4.2-7***. As shown in ***Table 4.2-7***, the project would exceed the numerical thresholds of significance established by the SCAQMD for emissions of NO_X. It should be noted that the majority of the project's NO_X emissions are derived from vehicle usage. The Air Quality Analysis recommended six mitigation measures (MM AQ-2 through MM AQ-7) that could potentially reduce operational NO_X emissions from vehicle usage. However, proposed Mitigation Measures AQ-2 and AQ-3 are requirements by California Code of Regulations and CARB, therefore have been incorporated in the modeling and reflected in ***Table 4.2-7***, and proposed mitigation measure AQ-5 is required by the California Building Code, Title 24, Part 11. Proposed Mitigation Measures AQ-4 through AQ-7 could reduce NOx emissions and are therefore required as mitigation measures; however, there is uncertainty regarding the reductions that these measures would achieve, and therefore they are not quantified. ~~Since~~ Because the majority of emissions attributing to the exceedance of the NOx threshold are from trucks that are federally regulated, and neither the project applicant nor the City have regulatory authority to control tailpipe emissions, no feasible mitigation measures exist that would reduce ~~these~~ NOx emissions to levels that are less than significant. As such, impacts would be significant and unavoidable.

Page 4.2-21, Impact 4.2-2 (Violate Air Quality Standards), Mitigation Measures

Mitigation Measures

AQ-1 Prior to issuance of building permits, the City Planning Department shall confirm on the project site plans that cold storage and facilities for Transport Refrigeration Units (TRUs) are not proposed. If it is determined that the proposed project would require TRUs or cold storage in the future, an amendment would be required to the project's entitlements to ensure such uses are analyzed in compliance with applicable laws and regulations.

Refer to Mitigation Measure AQ-2 through AQ-6 (see Impact 4.2-3).

Page 4.2-27, Impact 4.2-3 (Expose Sensitive Receptors), Mitigation Measures

Mitigation Measures

AQ-2 During the site preparation phase, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower shall comply with Environmental Protection Agency (EPA)/California Air

Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.

AQ-3 Prior to the issuance of occupancy permits the project, the project applicant or their successor in interest shall provide the City of Fontana with an information packet that will be provided to future building occupants regarding the grants available from the Carl Moyer Memorial Air Quality Standards Attainment Program for energy efficiency improvement features – including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires – and the resulting benefits to air quality.

AQ-4 Provide Electric Interior Vehicles. All buildings will be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles.

AQ-5 A Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall encourage and coordinate carpooling. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pickup time. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordination rides.

AQ-6 Prior to the issuance of occupancy permits for the project, the City of Fontana shall verify that a sign has been installed at each truck exit driveway that provides directional information to the City's truck route. Text on the sign shall read "To Truck Route" with a directional arrow.

Page 4.2-30, Impact 4.2-5 (Cumulative Impacts), Mitigation Measures

Mitigation Measures

Refer to Mitigation Measures AQ-1 ~~and AQ-2~~ through AQ-6.

Level of Significance After Mitigation

Significant and Unavoidable Impact.

This change provides a minor update, correction, or clarification and does not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

4-13 The commenter suggests the project install EV charging stations to address significant air quality impacts. As discussed in Draft EIR Section 4.7, *Greenhouse Gas Emissions*, the project would comply with CALGreen Nonresidential Mandatory Measure 5.106.5.3, *Electric Vehicle (EV) Charging*, and incorporate EV charging spaces on-site. However, although installing EV charging

stations would incentivize employees to use EVs, the potential emissions reduction depends on various factors that the project does not have control over, such as commute distance, price and rebate of EVs, and availability of EV charger at the employee's place of residence.. Therefore, as a conservative analysis, no emission reduction was quantified.

4-14 The commenter suggests the project require all on-site cargo handling equipment be powered by electricity only. The development site is being built to specification and the future tenant(s) of the project are unknown at the time of this writing. Accordingly, it is unknown what type(s) of on-site cargo handling equipment would be required and whether the required equipment would be available in electricity-powered model.

4-15 The commenter states that the project's energy impacts are significant and the Draft EIR ignored feasible mitigation for energy impacts in conflict with CEQA Guidelines Appendix F. The commenter suggests additional mitigation measures that the project could have included, such as requiring the project to utilize solar power to advance the policies and goals of Senate Bill (SB) 100 and obtaining LEED certification.

The analysis in the Draft EIR Energy Section strictly followed the requirements of CEQA Guidelines Appendix F. As discussed in the Draft EIR, electricity, natural gas, and fuel consumption of the project would constitute extremely small portion of the County's overall usage. The project would not cause significant impacts on local or regional energy supplies, energy demands, or energy resources. The project would also comply with all existing energy standards and transportation energy use requirements. In addition, the project would meet the local demand on warehouse and reduce fuel consumption from truck trips, because trucks would otherwise travel to warehouses further away without the proposed project. According to CEQA Guidelines Appendix F, these analyses support the less-than-significant conclusion, thus additional mitigation measures are not required.

Additionally, the commenter's statement on SB 100 is flawed. The project would utilize electricity provided by Southern California Edison (SCE) that is subject to SB 100. It should be noted that SB 100 requirements are applicable to investor-owned utilities, electric service providers, and community choice aggregators. The project is not a utility or electricity provider, thus on-site solar power generation would not advance the policies and goals of SB 100. SCE's compliance with SB 100 would ensure the project's electricity usage consisting of required percentage of renewable sources.

Moreover, obtaining LEED certification is not necessary, because according to U.S. Green Building Council, due to the strict requirements under CALGreen Code, projects built to CALGreen Code are pre-approved for significant streamlining of fundamental LEED requirements.

4-16 The commenter states the City must adopt mitigation to reduce the proposed project's significant and unavoidable greenhouse gas emission impacts. Although the commenter is correct in that the project does not provide mitigation measures to reduce greenhouse gas emissions, it should be noted that the mitigation measures suggested by the commenter would have no substantive reduction on mobile-source emissions due to the fact that the majority of greenhouse gas emissions are from trucks that will access the project as part of daily operations which would not be reduced by these measures. However, in Response to Comment 4-12, several of commenter's suggested measures would be added to the EIR. For example, the commenter suggests TDM

measures. MM AQ-7 requires the formation of a Transportation Management Association (TMA) that encourages and coordinates carpooling, provides public transportation information to employees, offers transit incentives to employees, and provides shuttle service to and from public transit if a minimum of five employees request and use such service from a transit stop at the same drop-off and/or pickup time. The commenter also suggests that the project include EV charging stations. The project is required to provide 20 EV charging stations, consistent with CalGreen Section 5.106.5.3.3 requirements.

4-17 The commenter states that the Draft EIR erroneously concludes that the project results in less than significant land use impacts and must be revised to state that impacts are significant and appropriate mitigation must be adopted. Specifically, the commenter argues that the project would be inconsistent with Goal 1, Action J and Goal 2, Policy 2 of the General Plan Community Mobility and Circulation Element regarding truck routes, since the Draft EIR does not require use of designated truck routes. Goal 1, Action J of the Community Mobility and Circulation Element reads "Provide bicycle facilities and sidewalks on new roads when feasible and in a manner consistent with the context and needs of the area." The project does not propose new roads and thus Goal 1, Action J does not apply. Goal 2, Policy 2 of the Community Mobility and Circulation Element reads "Support designated truck routes that avoid negative impacts on residential and commercial areas while accommodating the efficient movement of trucks." As concluded in Draft EIR Table 4.10-1, Project Consistency with the General Plan, Slover Avenue, Santa Ana Avenue (west of Citrus Avenue), Jurupa Avenue, Citrus Avenue, and Sierra Avenue are identified as existing City of Fontana truck routes. As truck traffic would utilize these roadways, the project would be consistent with Community Mobility and Circulation Chapter, Goal 2, Policy 2. Refer also to Response to Comment 3-15 for additional information regarding the project's consistency with the General Plan Community Mobility and Circulation Chapter. Refer to Response to Comment 4-9 regarding why conditioning the project to prohibit truck traffic on residential roadways is not necessary nor required.

4-18 The commenter argues that the project would be inconsistent with Goal 7, Policy 1 of the General Plan Infrastructure and Green Systems Element and Goal 5, Policy 1 of the General Plan Sustainability and Resilience Element. 7, Policy 1 of the General Plan Infrastructure and Green Systems Element reads "Promote renewable energy and distributed energy systems in new development and retrofits of existing development to work toward becoming a zero net energy city." As concluded in Draft EIR Table 4.10-1, adherence to the Title 24 and CALGreen requirements would ensure conformance with the State's goal of promoting energy, water, and lighting efficiency, and the City's goal to purse sustainability and resilience and incorporation of distributed energy systems on individual development projects is not required by the General Plan policy. Additionally, the project would also comply with the Energy Independence and Security Act of 2007, Federal vehicle standards, and California's Low Carbon Fuel Standard, as discussed in Draft EIR Section 4.7, *Greenhouse Gas Emissions*, which regulate fuel efficiencies for vehicles, including trucks. The project would not prohibit the City from achieving its goal of becoming an energy efficient community and would not conflict with the City's policy to promote renewable energy and distributed energy systems in new development to work toward becoming a zero net energy City in this regard.

Goal 5, Policy 1 of the General Plan Sustainability and Resilience Element reads "Promote energy-efficient development in Fontana." As concluded in Table 4.10-1, the project would comply with Title 24 standards would ensure the project incorporates energy-efficient windows, insulation,

lighting, and ventilation systems, as well as water-efficient fixtures and electric vehicles charging infrastructure. Adherence to the Public Utilities Commission's energy requirements would ensure conformance with the State's goal of promoting energy and lighting efficiency. The project would not prohibit the City from achieving its goal of becoming a leader in energy-efficient energy development and retrofits and would not conflict with the City's policy to promote energy-efficient development in this regard. No changes are necessary nor required in this regard.

4-19 The commenter states potential mitigation for land use, greenhouse gas, and energy impacts. Refer to Response to Comment 4-15 through 4-18.

4-20 The commenter states the project is not consistent with General Plan Land Use Element Goal 5 (High-quality job-producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes), including Action A (Extend industrial land uses along I-10 as shown in the Future Land Use Map) and Action B (Direct new industrial development to SWIP in order to build out this area designated for industrial development). As concluded in Draft EIR Table 4.10-1, Slover Avenue, Santa Ana Avenue (west of Citrus Avenue), Jurupa Avenue, Citrus Avenue, and Sierra Avenue are identified as existing City of Fontana truck routes. As truck traffic would utilize these roadways, the project would be consistent with General Plan Land Use Element Goal 5. The proposed warehouse facility would be sited near the existing Southwest Industrial Park (SWIP), a major logistical hub in the City and County. As part of the proposed project, the development site is to be incorporated into the Slover East Industrial District (District) of the SWIP. Thus, the project would not "carve out" Specific Plan zoning for an area intended to be residential. This District is intended to provide opportunities for light and heavy manufacturing activities that are supported by trucking routes and the existing rail spur. In addition, this District intended to promote the continued use and expansion of existing industrial, distribution and logistics-based warehousing developments, and strategically located service commercial facilities. The project would be consistent with General Plan Land Use Element Goal 5 in this regard.

4-21 The commenter's statement that the project is inconsistent with CARB's AB 32 Scoping Plan is incorrect, as Draft EIR Section 4.7, Greenhouse Gas Emissions, adequately demonstrates consistency with the AB 32 Scoping Plan requirements. The Draft EIR and *Fontana Foothills Commerce Center Greenhouse Gas Analysis* (Greenhouse Gas Analysis), prepared by Urban Crossroads, dated May 4, 2020, provide a robust AB 32 Scoping Plan Consistency Analysis and correctly concludes that the project is consistent with the AB 32 Scoping Plan goals and policies. Nevertheless, because the project exceeds the applicable numeric threshold for GHG significance, the impact with respect to consistency analysis was found to be significant and unavoidable. The City does not ignore its obligation to demonstrate consistency with the 2030 and 2050 greenhouse gas reduction goals. No changes are necessary nor required in this regard.

4-22 The commenter's claim that the project would be inconsistent with the 2016-2040 RTP/SCS in that it does not satisfy the "Land Use Actions and Strategies" with respect to providing "Electric Vehicle Supply Equipment in public parking lots" is unfounded. According to the commenter, the project must be conditioned to provide electric vehicle charging stations in parking lots for passenger vehicles and the appropriate infrastructure for charging of electric trucks. As stated on Draft EIR page 4.5-8, in accordance with the 2019 Title 24 Building Energy Efficiency Standards and 2019 CALGreen Code, the project would include the following:

- Charging stations for electric vehicles available for employees and guests (2019 CalGreen Code Chapter 5 Section 5.106.5 Designated parking for clean air vehicles)
- Electric vehicle parking spots (2019 CalGreen Code Chapter 5 Section 5.106.5 Designated parking for clean air vehicles)

There are no 2019 Title 24 Building Energy Efficiency Standards and 2019 CALGreen code which require electric vehicle parking and charging stations for electric trucks. Thus, the City of Fontana affirms that adherence to the 2019 Title 24 Building Energy Efficiency Standards and 2019 CALGreen Code would ensure the project is consistent with the "Land Use Actions and Strategies" for electric vehicle supply equipment identified in the 2016-2040 RTP/SCS in this regard. Further, as concluded in Draft EIR Section 4.5, *Energy*, project fuel consumption associated with vehicle trips generated by the proposed project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region (CEQA Appendix F - Criterion 2).

The commenter also claims that the project is inconsistent with policies aimed at promoting bicycle use to the extent that no bicycle paths are provided, but does not reference the bicycle-related policies in question. As stated in Draft EIR Section 5.0, *Effects Found Not To Be Significant*, the proposed project does not include recreational facilities or require the expansion of recreational facilities (i.e., bicycle paths), because the type of project being proposed would not result in an increased demand for recreational facilities. Further, as concluded in Draft EIR Section 4.13, Transportation, development of the warehousing facility would not interfere with the development of the future proposed Class IV bikeway along the Jurupa Avenue right-of-way or hinder existing pedestrian facilities in the vicinity of the development site; refer to Draft EIR page 4.13-10.

The commenter argues that the project is inconsistent with the action to "explore and implement innovative strategies and projects that enhance mobility and air quality…" where it does not, for instance, "increase accessibility to transit via non-auto modes." As an individual warehousing development, the project is limited in its ability to enhance mobility and air quality. However, the project would not reduce safe and convenient access to transit, bicycle facilities, or walkways to the surrounding neighborhood; see Draft EIR Table 4.10-1 and Draft EIR Section 4.13.

The commenter is correct in that the project does not propose development of a transit stop or access to a shuttle service for employees. However, the project would develop the development site with an employment-generating land use that would provide local job opportunities to existing and future residents of the City that would be accessible by existing transit and active transportation; refer to Draft EIR Table 4.10-2, *Project Consistency with 2016 RTP/SCS Goals*. As elaborated in Draft EIR Section 4.13, Omnitrans has an extensive network of bus routes throughout the City and surrounding region. The nearest bus stop is located on Jurupa Avenue at the southwest corner of the development site. Additional bus stops are also located further along Jurupa Avenue to the east and west and along Sierra Avenue. The proposed development would not alter any bus stop locations or frequency of Omnitrans' bus services.

The commenter's claim that the project is inconsistent with Transportation Demand Management Actions and Strategies to "incentivize active transportation commuting or ride share modes" is incorrect. As an individual warehousing development, the project is limited in its ability to incentivize active transportation commuting or ride share modes. However, the project would not

reduce safe and convenient access to transit, bicycle facilities, or walkways to the surrounding neighborhood; see Draft EIR Table 4.10-1 and Draft EIR Section 4.13.

4-23 The commenter states that the Draft EIR's conclusion that the project is the type of land use development that is encouraged by the 2016-2040 RTP/SCS to reduce VMT and expand multi-modal transportation options is unsupported and claims that the project fails to propose feasible measures that would decrease vehicle usage. As concluded in Draft EIR Section 4.7, projects are considered consistent with the provisions and general policies of applicable City and regional land use plans and regulations, such as SCAG's RTP/SCS, if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. As shown in Table 4.7-9, *Project Consistency with the 2016-2040 RTP/SCS*, the proposed project would be consistent with the Actions and Strategies set forth in the 2016-2040 RTP/SCS since it would not impair the responsible parties from implementing relevant Actions or Strategies. The project would provide bicycle parking spaces and EV charging spaces for employees. Therefore, the project would serve to reduce vehicle trips and thus VMT, thereby contributing to a reduction in air pollution and greenhouse gas emissions.

4-24 The commenter states that the project construction noise levels at Receiver Location R3 are far greater than the allowable daytime noise level. However, this comment fails to recognize that the Fontana Municipal Code Section 18-63(b)(7) limits are as follows:

- Construction or repairing of buildings or structures, construction activity between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays except in the case of urgent necessity.

In effect, the project construction noise levels are therefore considered exempt if activities occur within the hours specified in the Fontana Municipal Code Section 18-63(b)(7) of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays. However, the *Fontana Foothills Commerce Center Noise Impact Analysis* (Noise Impact Analysis), prepared by Urban Crossroads, dated April 18, 2020, does not rely on this exemption for CEQA purposes. Rather, the Noise Impact Analysis identifies construction-specific noise level thresholds for a quantified analysis and evaluation of potential impacts at nearby sensitive receiver locations. Therefore, the Noise Impact Analysis identified the following construction noise standards:

- Project construction noise levels are considered exempt if activities occur within the hours specified in the Fontana Municipal Code, Section 18-63(7) of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 8:00 a.m. to 5:00 p.m. on Saturdays.
- If project construction activities occur outside of the hours specified above:
    - and project construction noise levels would exceed the exterior 70 dBA L_{eq} daytime or 65 dBA L_{eq} nighttime noise level standards at adjacent land uses in the City (Fontana Municipal Code, Chapter 30 Zoning and Development Code, Section 30-543);
    - and the project creates a community noise level increase of greater than 3 dBA Leq.

In addition, the construction noise analysis relies on reference construction noise levels measured at a uniform distance of 50 feet from the source. However, the noise levels presented on Table 10-2 of the Noise Impact Analysis describe the calculated noise levels at the distances shown on Exhibit 10-A of the Noise Impact Analysis at all the receiver locations. Distance is measured in a

straight line from the project site boundary to each receiver location. For example, the construction noise levels at Receiver Location R3 located 15 feet from the project site boundary are higher than the reference noise levels measured at 50 feet. The construction noise analysis shows that the highest construction noise levels will occur when construction activities take place at the closest point from the edge of primary construction activity to each of the nearby receiver locations. No changes are necessary nor required in this regard.

4-25 The commenter states that the Noise Impact Analysis does not explain its 20 dBA reduction. The operational noise analysis focuses on the potential exterior noise levels at each of the nearest noise-sensitive receiver locations. As shown on Table 9-5 of the Noise Impact Analysis, the project-only operational noise levels are evaluated against exterior noise level thresholds based on the City exterior noise level standards at nearby noise-sensitive receiver locations. Table 9-5 of the Noise Impact Analysis shows that the operational noise levels associated with proposed project will satisfy the City 70 dBA L_{eq} daytime and 65 dBA L_{eq} nighttime exterior noise level standards at all nearby receiver locations. Therefore, the exterior operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations.

To estimate the interior operational noise levels, footnote 4 identifies an outdoor to indoor noise attenuation rate of 20 dBA. The interior noise level is the difference between the predicted exterior noise level at the building façade and the noise reduction of the structure. Typical building construction will provide a noise reduction of approximately 12 dBA with "windows open" and a minimum 20 to 25 dBA noise reduction with "windows closed." However, standard construction practices that comply with the exterior noise levels generally result in acceptable interior noise levels. Therefore, the interior operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations.

Table 9-5 of the Noise Impact Analysis indicates that Receiver Location R3 will experience a daytime project-related operational noise level of 63.6 dBA Leq and a nighttime noise level of 62.4 dBA Leq. These noise levels represent the combined total of all the project-related noise source activity that includes loading dock activity, entry gate & truck movements, roof-top air conditioning units, parking lot vehicle movements and trash enclosure activity. No changes are necessary nor required in this regard.

4-26 The commenter states that operation noise impacts are significant. The operational noise criteria presented in Section 4.2 of the Noise Impact Analysis indicates that noise impacts shall be considered significant if operational (stationary-source) noise levels exceed the exterior 70 dBA Leq daytime or 65 dBA Leq nighttime noise level standards at adjacent land uses in the City (Fontana Municipal Code, Chapter 30 Zoning and Development Code, Section 30-543), and the project creates a community noise level increase of greater than 3 dBA L_{eq}. Since the Noise Impact Analysis shows in Table 9-5 that the operational noise levels associated with the proposed project will satisfy the City's 70 dBA L_{eq} daytime and 65 dBA L_{eq} nighttime exterior noise level standards at all nearby receiver locations, the community noise level increase is not considered significant. No changes are necessary nor required in this regard.

4-27 The commenter states that the noise study appears to assume a uniform distance of 50 feet in calculating operational noise impacts. However, the Noise Impact Analysis does not assume a uniform distance of 50 feet in calculating operational noise impacts. As discussed in Section 9.2 of the Noise Impact Analysis, reference noise level measurements were collected from similar

types of activities to represent the noise levels expected with the development of the proposed project. Table 9-1 of the Noise Impact Analysis provides a summary of the reference noise levels at the measured distance and at a uniform distance of 50 feet permitting a direct comparison of the different reference noise level measurements.

The operational noise levels calculations describe the operational noise level impacts with a combination of noise sources listed on Table 9-1 and shown on Exhibit 9-A of the Noise Impact Analysis. Using the CadnaA noise prediction model, the noise sources are calculated at each receiver location as shown on Exhibit 8-A of the Noise Impact Analysis. This considers the spatial distances from each source to each receiver. Section 9.3 of the Noise Impact Analysis describes the noise analysis methodology that considers the types of noise sources and calculates the operational noise levels using the spatially accurate project site plan. The operational noise analysis was developed using the CadnaA noise prediction model. The model calculates the distance from each noise source to the noise receiver locations, using the ground absorption, distance, and barrier/building attenuation inputs to provide a summary of noise level calculations at each receiver location and the partial noise level contributions by noise source. Appendix 9.1 of the Noise Impact Analysis includes the detailed noise model inputs used to estimate the project operational noise levels. No changes are necessary nor required in this regard.

4-28 The commenter states the "Reduced Density" Alternative must be adopted since it would eliminate the project's significant and unavoidable air quality impacts as well as reduce the project's significant greenhouse gas emissions and transportation impacts. It is noted that the "Reduced Density" Alternative was identified as the environmentally superior alternative to the proposed project in Draft EIR Section 8.7, Environmentally Superior Alternative. As concluded in Draft EIR Section 8.7, this alternative would achieve the project objectives to a lesser extent for Objective 1 (Develop a warehouse facility that stimulates employment and contributes towards the City's economic development goals) and Objective 2 (Entitle a warehouse facility that provides employment and improves local jobs-housing balance). Similarly, the "Reduced Density" Alternative would not avoid the project's significant and unavoidable greenhouse gas and transportation impacts. As a result, although this alternative would achieve all of the project objectives, it would provide a reduced level of benefit due to the reduced facility size. The City of Fontana will consider this information during project deliberations.

4-29 The commenter concludes by requesting the City to update the Draft EIR and adopt all feasible mitigation and project alternatives as discussed above. Refer to Responses to Comment 4-1 through 4-28 above.

Maria Torres

From: Kim Bright <kkb573@gmail.com>
Sent: Tuesday, September 15, 2020 1:56 PM
To: Planning Comments
Subject: Warehouse over taking neighborhood

Good evening,My concerns are the health and safety of all Americans living within the communities that have been overtaken by warehousing next to neighborhoods full of children and seniors,It doesn't seem right that these neighborhood aren't any concern to any of you and that all you care about is revenue the almighty dollar. 5-1

RESPONSE NO. 5

Kim Bright
September 15, 2020

5-1 This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)"

Maria Torres

From: Rayman Martinez <coachmartinez@bailconnection.com>
Sent: Tuesday, September 15, 2020 4:11 PM
To: Planning Comments

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM
Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern, My name is Rayman Martinez a residence in the city of Fontana. I live in the Montelago community And it was brought to my attention the plans for case 10-109 on another Wharehouse in our community. It's bad enough I have a Wharehouse in the works on Juniper that happens to be in my back yard. Imagine the pollution from the trucks that keep going in and out. Our community is surrounded by Wharehouses everywhere. The one thing that brought excitement to our community is the park that still hasn't broke ground. Please give me a call 9092055705. I'd like to dicuss the plans on our side of the town.
Thank you

6-1

sincerely,
Coach Martinez

RESPONSE NO. 6

Rayman Martinez
September 15, 2020

6-1 The commenter expresses concern regarding the increased warehouse development as well as anticipated pollution from trucks traveling in the area. Section 4.2, Air Quality, of the Draft EIR examines the air quality in the project area, includes a summary of applicable air quality regulations, and analyzes potential air quality impacts associated with the proposed project. As concluded in Draft EIR Tables 4.2-5, *Development Site Construction-Related Emissions*, and Table 4.2-6, *Development Site Construction-Related Emissions – With Mitigation*, the development site's construction emissions would not exceed thresholds for any of the criteria pollutants set by the South Coast Air Quality Management District (SCAQMD), the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino Counties. As shown in Table 4.2-7, *Development Site Summary of Peak Operational Emissions*, the project would not exceed the numerical thresholds of significance established by the SCAQMD for criteria pollutants with the exception of emissions of NO_X, the majority of which are derived from vehicle usage. Since neither the project applicant nor the City have regulatory authority to control tailpipe emissions, no mitigation measures exist that can be practically imposed on the project to reduce these emissions. However, Mitigation Measures AQ-1 (see page 4.2-22 of the Draft EIR) and AQ-2 (see page 4.2-29 of the Draft EIR) would reduce significant impacts to the extent feasible.

An analysis of air emissions impacts to sensitive receptors is also provided in Section 4.2 of the Draft EIR. Sensitive receptors are defined as facilities or land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and day-care centers. As concluded in the discussion for Impact 4.2-3 (Sensitive Receptors) in Draft EIR Section 4.2 of the Draft EIR, implementation of Mitigation Measure AQ-2 would require Tier 3 construction equipment during the site preparation phase of construction; therefore, construction emissions relative to sensitive receptors in the project area would not exceed thresholds of significance. As shown in Table 4.2-14, *Localized Significance of Operational Emissions*, operational emissions relative to sensitive receptors in the project area would not exceed thresholds of significance.

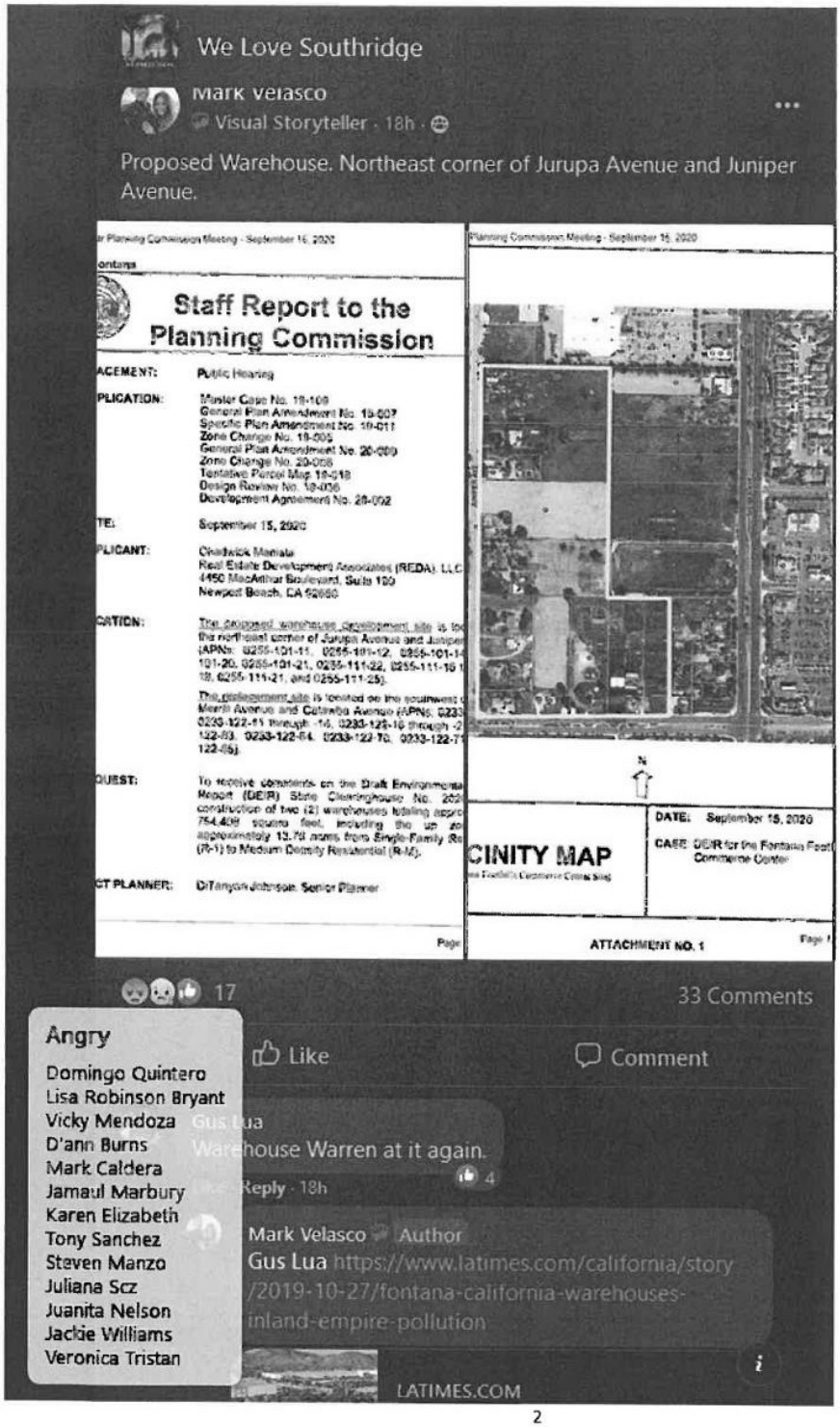
In addition, a Fontana Foothills Commerce Center Mobile Source Health Risk Assessment (Health Risk Assessment), was prepared for the proposed project by Urban Crossroads, and potential health risk impacts were analyzed in the Draft EIR. As concluded in the discussion for Impact 4.2-3 (Sensitive Receptors) in Section 4.2 of the Draft EIR, the Health Risk Assessment determined that the development site would not cause a significant human health or cancer risk to adjacent residences.

Lastly, the park that is referenced in this comment is a separate and unrelated project.

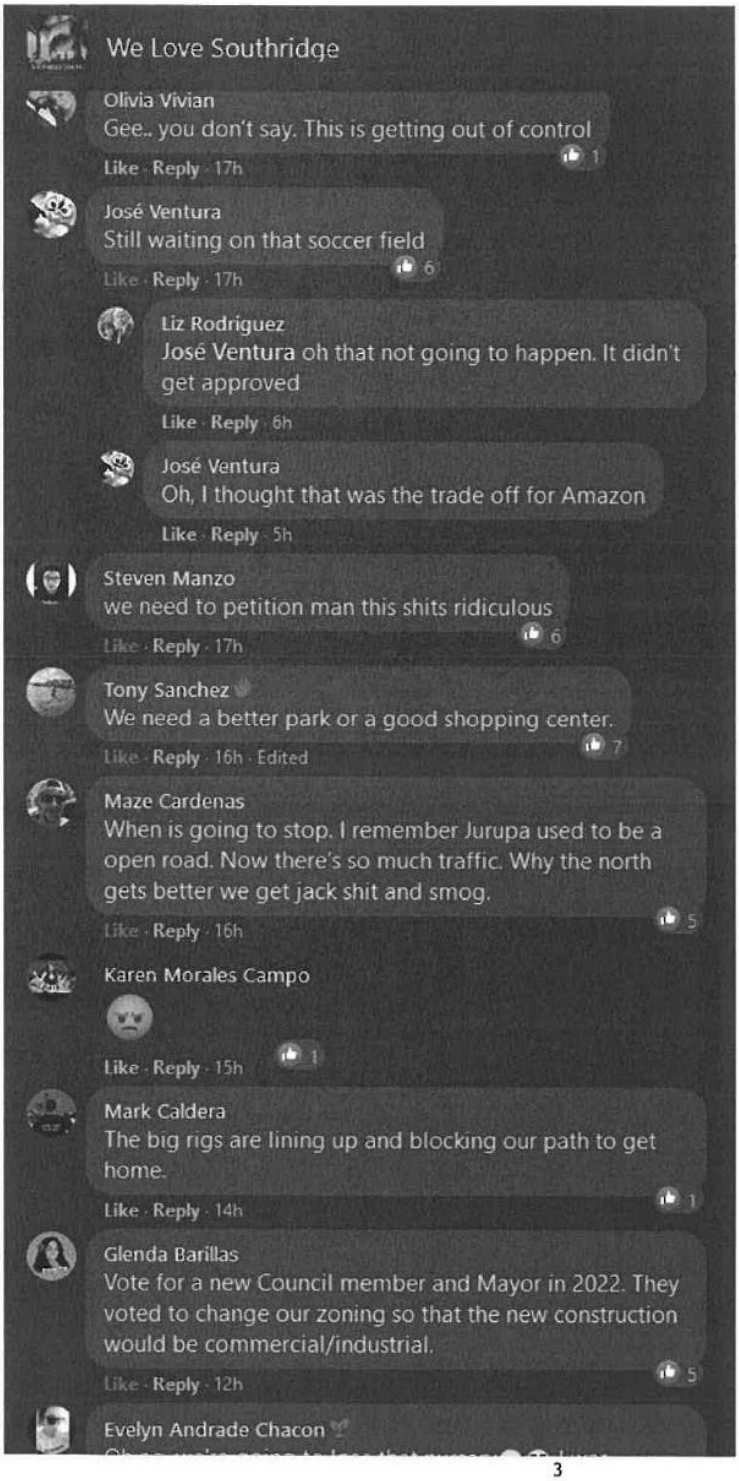
Maria Torres

From:	Mark Velasco <mark.velasco@gmail.com>
Sent:	Tuesday, September 15, 2020 4:13 PM
To:	Planning Comments
Subject:	09/15 Meeting - Comments for Fontana Foothills Commerce Center (Jurupa/Juniper)

Over 30 comments, and majority of "angry" reactions for the proposed Warehouse facility on Jurupa and Juniper. 7-1


We Love Southridge
Mark Velasco
Visual Storyteller · 18h ·
Proposed Warehouse. Northeast corner of Jurupa Avenue and Juniper Avenue.
Staff Report to the Planning Commission
Public Hearing
Master Case No. 18-109
General Plan Amendment No. 18-007
Specific Plan Amendment No. 19-011
Zone Change No. 18-005
General Plan Amendment No. 20-009
Zone Change No. 20-006
Tentative Parcel Map 18-018
Design Review No. 18-036
Development Agreement No. 20-002
September 15, 2020
Chadwick Mamala
Real Estate Development Associates (REDA), LLC
4450 MacArthur Boulevard, Suite 100
Newport Beach, CA 92660
To receive comments on the Draft Environmental Impact Report (DEIR) State Clearinghouse No. 2020
construction of two (2) warehouses totaling approx
754,409 square feet, including the up
approximately 13.78 acres from Single-Family Re
(R-1) to Medium Density Residential (R-M).
DiTanyon Johnson, Senior Planner
Page
Planning Commission Meeting - September 15, 2020
CINITY MAP
DATE: September 15, 2020
CASE: DEIR for the Fontana Foot
Commerce Center
ATTACHMENT NO. 1
17
33 Comments
Angry
Domingo Quintero
Lisa Robinson Bryant
Vicky Mendoza
D'ann Burns
Mark Caldera
Jamaul Marbury
Karen Elizabeth
Tony Sanchez
Steven Manzo
Juliana Scz
Juanita Nelson
Jackie Williams
Veronica Tristan
Like
Comment
Gus Lua
Warehouse Warren at it again.
Reply · 18h
4
Mark Velasco Author
Gus Lua https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution
LATIMES.COM

2


We Love Southridge
Olivia Vivian
Gee.. you don't say. This is getting out of control
Like · Reply · 17h
1
José Ventura
Still waiting on that soccer field
Like · Reply · 17h
6
Liz Rodriguez
José Ventura oh that not going to happen. It didn't get approved
Like · Reply · 6h
José Ventura
Oh, I thought that was the trade off for Amazon
Like · Reply · 5h
Steven Manzo
we need to petition man this shits ridiculous
Like · Reply · 17h
6
Tony Sanchez
We need a better park or a good shopping center.
Like · Reply · 16h · Edited
7
Maze Cardenas
When is going to stop. I remember Jurupa used to be a open road. Now there's so much traffic. Why the north gets better we get jack shit and smog.
Like · Reply · 16h
5
Karen Morales Campo
Like · Reply · 15h
1
Mark Caldera
The big rigs are lining up and blocking our path to get home.
Like · Reply · 14h
1
Glenda Barillas
Vote for a new Council member and Mayor in 2022. They voted to change our zoning so that the new construction would be commercial/industrial.
Like · Reply · 12h
5
Evelyn Andrade Chacon

3

I know the majority of the Southridge residents never see what goes on at these Planning Commission and Council Meetings but here's your chance to give what the community actually wants. 7-1 cont'd

Mark Velasco
mark.velasco@gmail.com

RESPONSE NO. 7

Mark Velasco
September 15, 2020

7-1 This comment is a statement regarding the number of angry reactions to the proposed project. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)"

Maria Torres

From: Veronica T <veronicat3@yahoo.com>
Sent: Tuesday, September 15, 2020 4:33 PM
To: Planning Comments
Subject: NO MORE WAREHOUSES!

I live in the southridge area where these warehouses keep taking over our neighborhoods. These warehouses cause so much traffic in the area and cause so much pollution close to where there are so many homes and schools. Its such a missing to try and get anywhere locally and its unfair to the residence in the area. Little by little the city is tearing down homes and putting up warehouses. What we need is more parks with fields for our kids to play in, put an indoor basketball facility since we don't have any locally? It makes our neighborhoods look better and its a healthier option for all of us. How did warehouses in our community become such a priority? Put the local residents first. We would rather see a nice park, a shopping center, restaurants, grocery stores....anything but more warehouses. We have more then enough in our area! 8-1

RESPONSE NO. 8

Veronica T
September 15, 2020

8-1 The commenter expresses concern regarding increased warehouse development as well as anticipated pollution and traffic impacts that would occur as a result of the project. Refer to Response No. 6 for a discussion regarding the project's anticipated construction and operational air quality impacts.

The development site's potential transportation impacts that may result from construction and/or operation of the project are evaluated in Draft EIR Section 4.13, *Transportation*. As concluded in the discussion for Impact 4.13-1 (Conflict With Applicable Roadway Plans) in Section 4.13 of the Draft EIR, temporary construction-related transportation impacts would be reduced with implementation of a Construction Traffic Management Plan (TMP), to be established prior to issuance of any construction or demolition permits; refer to Draft EIR pages 4.13-36 and 4.13-37. The TMP would be required to address the following, among others: traffic control of any street closure, detour, or other disruptions to traffic circulation; identification of construction vehicle haul routes; limitation of hauling activities to off-peak hours; and utilization of appropriate traffic control personnel to ensure construction vehicles operate safely along adjacent local roadways. Implementation of Mitigation Measure TR-1 would ensure construction-related traffic impacts are reduced to less than significant levels. In addition, operation of the warehousing facility would not conflict with an adopted program, plan, ordinance, or policy addressing the roadway circulation system, including transit, roadway, bicycle, and pedestrian facilities; refer to Draft EIR page 4.13-10. Impacts would be less than significant in this regard.

With regard to compliance with Vehicle Miles Traveled (VMT) requirements, the City's TIA Guidelines state that a VMT analysis should be conducted for land use projects as deemed necessary by the City of Fontana Traffic Division and would apply to projects that have the potential to increase the average VMT per service population (i.e., population plus employment) compared to the County's boundary. As concluded in Impact 4.13-3 (Conflict With CEQA Guidelines Section 15064.3, Subdivision (b)), and as shown in Table 4.13-23, the project's baseline (2019) Total VMT per service population is 37.96 and home-based work (HBW) VMT per employee is 19.66. The San Bernardino County Transportation Authority (SBCTA) provides VMT calculations for each of its member agencies and for the San Bernardino County region. Based on this information, the San Bernardino County regionwide Total and HBW VMT per employee for baseline (2019) conditions is 32.93 and 16.73, respectively. As shown in Table 4.13-24, the proposed warehouse facility would exceed the 15 percent below the current regional Total VMT per service population by 35.6 percent and HBW VMT per employee by 38.3 percent. As such, project development would result in potentially significant impacts in regard to VMT.

Further discussion in Impact 4.13-3 states that transportation demand management (TDM) strategies have been evaluated for reducing VMT impacts determined to be potentially significant. The effectiveness of TDM strategies to reduce VMT has been determined based on Fehr & Peers' *SB 743 Implementation TDM Strategy Assessment*, dated February 26, 2019 and prepared for the Western Riverside Council of Governments. The memo evaluated 50 TDM measures presented in the California Air Pollution Control Officers Association (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures Report*, dated 2010, and indicated 41 of the

measures are applicable at building and site level. The remaining measures are functions of, or depend on, site location and/or actions by local and regional agencies or funders. Overall, implementation of TDM Measures 1, 6, and 7 have the potential to reduce the Total VMT per service population generated by the proposed warehouse facility. The effectiveness of the TDM measures would be dependent in part on final project designs and occupancies, which are unknown at this time.

Even under the most favorable circumstances, projects located within a suburban context, such as the proposed project, could realize a maximum 10 percent reduction in VMT through implementation of feasible TDM measures. For the proposed project, this could result in reduction from 37.96 to 34.16 Total VMT per service population and 19.66 to 17.69 HBW VMT per employee, which would still exceed the regional threshold of 27.99 Total VMT per service population by 22.04 percent and 14.22 HBW VMT per employee by 24.40 percent.

It is also recognized that as the project area and surrounding communities develop as envisioned under the City of Fontana and County of San Bernardino General Plans, new residential, office, retail, and industrial uses would be developed. These actions could collectively alter transportation patterns, improve the City and region's jobs/housing ratio, diminish VMT, and support implementation of new or alternative TDM measures. There are no means, however, to quantify any VMT reductions that could result. Additionally, the effectiveness of the TDM strategies that have potential to reduce VMT are also dependent on unknown building tenant(s).

Given the unknown and speculative nature of future development in the surrounding area, Measure 1 cannot be imposed on the project as a mitigation measure. The applicant would not be able to ensure at least three of the following land use types: residential, retail, park, open space, and/or office use, are developed within 0.25 miles of the proposed warehouse facility to increase diversity of land uses. Similarly, given that the ultimate building tenant(s) of the warehouse facility are unknown, Measures 6 and 7 cannot be feasibly imposed on the project as mitigation measures. Certain measures such as telecommuting, carpool/vanpool, and alternative work schedules may not work for certain types of industrial businesses. For example, some businesses may require coming into the office to work rather than remote working. Additionally, the warehouse facility is anticipated to operate 24 hours a day, 7 days a week, which is not conducive to alternative work schedules, such as staggered starting times, flexible schedules, or compressed work weeks.

Therefore, no enforceable mitigation measures that can be practically imposed on the project are available to meaningfully reduce project-level VMT nor is there a way to enforce and quantify any VMT reductions that could result from TDM measures. The Total VMT per service population and HBW VMT per employee generated by the proposed warehouse facility would exceed the regional threshold of 15 percent below existing Total VMT per service population and HBW VMT per employee. VMT impacts generated by the proposed warehouse facility are considered significant and unavoidable.

Lastly, the commenter expresses a desire for the construction of more parks. However, this is a separate and unrelated issue to the proposed project and should be discussed with the City separately.

Maria Torres

From: Idaima Avila <idaimaavila@icloud.com>
Sent: Tuesday, September 15, 2020 4:42 PM
To: Planning Comments
Subject: Warehouses un south fontana

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM
Do not click links or open attachments unless you recognize the sender and know the content is safe.

To who this may concern!

I hope when you read about this you truly take into consideration where you are locating these warehouses and re-enforce the "No semis" in certain streets by actually giving out citations!

We moved to Fontana 9 years ago thinking of raising our children in this amazing zone where we only had ranch style homes and a new community on the front of us and schools. Sadly this has changed. Most houses we're bought out leaving us in the middle of warehouses. Why would the city think it was a good idea to have this HUGE WAREHOUSE so close to a home an leaving around 30 houses standing alone not even with a view. Have you passed by the corner or slover and cypress? Well thats the street I live In "Cypress" and now not only our view of the beautiful mountains is no longer existent. But we have so many semis driving on our street (that is a NO SEMI ROUTE!) driving at all times trying to get to AMAZON that is on the other corner of us on Cypress and Santa Ana. These semi trucks not only drive in a high speed that makes our homes rattle but occasionally park in front of my house over night. 9-1

When they started building Amazon we had gone to the city and told them about our concerns regarding semi trucks driving on our street. We were told not to worry this would not be a Semi route. Well time has passed and apparently no one in the city cares to do something about this. I have called to complain and NO changes have occurred. There are kids that walk to and from school on this street and there are babies And kids sleeping on these streets that get woken up in the middle of the night scared thinking it's thunder storm Or and earthquake because of how bad the house rattles. You should take into consideration a lot of things before or at least follow up and have these semis citated so they STOP using streets that are not made for these heavy big trucks to pass on. I hope someone takes their time to read and do something about this.

Thank you!
Idaima Avila
626.367.2015

Sent from my iPhone

RESPONSE NO. 9

Idaima Avila
September 15, 2020

9-1 The commenter expresses concern regarding trucks that are currently utilizing local roadways in the vicinity that are not designated truck routes and the concern that the project would add additional truck traveling throughout the vicinity that may also misuse the local roadway system. According to Section 3.3, *Truck Routes*, of the *Fontana Foothills Commerce Center Traffic Impact Analysis* (Development Site TIA), prepared by Urban Crossroads, dated April 23, 2020, Slover Avenue, Santa Ana Avenue (west of Citrus Avenue), Jurupa Avenue, Citrus Avenue, and Sierra Avenue are study area roadways that are identified as existing City of Fontana truck routes. The designated truck route maps have been utilized to route truck traffic from the proposed project throughout the study area. The truck routes have also been utilized for routing truck traffic for cumulative projects. As such, the use of designated truck routes has been taken into consideration for the trip distribution analysis of the proposed project.

Maria Torres

From: 9099380191@vzwpix.com
Sent: Tuesday, September 15, 2020 4:59 PM
To: Planning Comments

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello. I am a resident of South Fontana and I am very concerned with all the warehouses and industrial buildings built and slated down here. I have special needs children whose health is more important than the revenue that you all seem to value more so. We already have so much pollution in our air because of the warehouses down here. why add to it? why fill our lungs with more toxins? Why can you not focus on other areas of Fontana? is it because thr mayor lives in a different zone as well as the majority of you all? All our lives matter. Not just the pocketbook for the city. we are already in the black as far as financial goes. why kill our children and elderly because of your greed for more city revenue? Your values need to change. 10-1

RESPONSE NO. 10

Anonymous
September 15, 2020

10-1 The commenter expresses concern regarding the increase in warehouse development in their area of the city, and specifically, regarding additional pollution and health risks relative to children and elderly populations that would result with the project. Refer to Response No. 6.

Maria Torres

From: Maria Gonzalez <julybaby_909@icloud.com>
Sent: Tuesday, September 15, 2020 5:00 PM
To: Planning Comments
Subject: City planning meeting

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM
Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Maria Delgado 909-730-6419 address is 16588 Sugar Ln., Fontana CA 92337

This is in regards to the public hearing for building proposal. I want to voice my my assessment on the new proposal warehouse and hotels being built in my backyard. I do not believe that building more warehouses is what we need here in a residential area. In the last few years warehouses have been going up all around me residents are being bought out of their homes by the city cleaning eminent domain on peoples property. Late last year earlier this year properties for being vacated on Slover Avenue between Cypress in Juniper Ave., RightNow her backyard. Signs for new warehouse are going up and a few hotels in the general area. The area I live in is upper middle class we pay elevated mellow ruse taxes without any added benefit and now the city wants to build warehouse is right behind my house less than 200 feet from my back door. Basically boxing us in with warehouses in large buildings blocking out our light and causing destruction and structural damage to homes and not to mention all the noise and dirt leaving us unable to ever just open a window. We have already experienced ground damage since our yard sits at a lower elevation from the property behind us. Does the city not care about his resident safety and well-being? The house or to our health with all the added fumes right by all the diesel trucks already lined up around the block and sometimes in our residential streets waiting for drop off and pick up loads? Have not seen any control the city has put into place to help protect my family neighbors and children. Seems to me that the city does not care for its residents living in the southside of Fontana. I have many concerns and have lost plenty of sleep over losing out on what I thought was a good safe place for my family. We are losing our family and friends and now you plan to take what little piece we enjoy after a hard day at work? 9-1

RESPONSE NO. 11

Maria Delgado
September 15, 2020

11-1 The commenter expresses concern regarding increased warehouse development, and specifically identifies concerns related to the project's potential to result in structural damage to neighboring uses, noise, and air quality. Refer to Response No. 6 for a discussion regarding the project's anticipated construction and operational air quality impacts.

An evaluation of the project's potential to generate excessive groundborne vibration is provided in Impact 4.11-2 (Groundborne Vibration), of Draft EIR Section 4.11, Noise. As concluded on page 4.11-34, operation of the project would not include or require equipment, facilities, or activities that would result in perceptible groundborne vibration. Heavy duty trucks would travel to and from the project site on surrounding roadways. According to the Federal Transportation Authority (FTA), it is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people, or slamming of doors. Typical outdoor sources of vibration waves that propagate through the ground and create perceptible ground-borne vibration in nearby buildings include construction equipment, steel-wheeled trains, and traffic on rough roads. If the roadway is fairly smooth, the vibration from rubber-tired traffic is rarely perceptible[5]. As such, it can be reasonably inferred that the operations of the project would not create perceptible vibration impacts to the nearest sensitive receptors. A less than significant impact would occur in this regard.

The project would not potentially generate a substantial temporary or permanent increase in noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; refer to Draft EIR Impact 4.11-1 (Exceed Standards). Noise impact from short-term construction activities would be less than significant following compliance with the City's allowable construction hours specified under City of Fontana Municipal Code Section 18-63(7). In addition, project-related traffic and operational noise would be less than significant; refer to Draft EIR Impact 4.11-1 (Exceed Standards).

[5] Federal Transit Authority. 2018. Transit Noise and Vibration Impact Assessment Manual.

INLAND EMPIRE
BIKING ALLIANCE

29 September 2020

DiTanyon Johnson, Senior Planner
City of Fontana
Community Development – Planning Division
8353 Sierra Avenue
Fontana, CA 92335

Re: Fontana Foothills DEIR

Dear Mr. Johnson,

I am writing on behalf of the Inland Empire Biking Alliance in response to the Draft Environmental Impact Report (SCH No. 2020040155) for the Fontana Foothills Commerce Center development ("Project") which is proposed there in the city. After reviewing the document, there are a number of comments and concerns regarding what is proposed and the impact that they would have on bicyclists which have not been adequately addressed in the document. 12-1

The first and biggest concern is that this Project will be out-of-compliance with the City's own Active Transportation Plan. Although 4.13-1 makes reference to the fact that the City of Fontana's Active Transportation Plan calls for a Class IV separated bikeway along Jurupa Ave., it somehow concludes that constructing that Class IV facility should not be completed as part of the project even though Impact 4.13-3 indicates that the Project would need to construct other roadway improvements adjacent to the site. This oversight makes no sense and also hampers the ability to meet VMT reduction goals. 12-2

That creates a number of issues. While Class IV facilities can be created through the use of soft-hit posts and other somewhat temporary materials, they are best constructed with hardscape materials like other roadway improvements. Thus, the optimal time to build a Class IV facility would be as part of the ongoing Project which is already making changes to the frontage of the property, **not** at an undetermined point in the future. At a very minimum, not building the facility forces bicyclists to continue to endure the existing conditions on Jurupa Ave. which are on the balance, not a conducive environment for bicycling based on a Level of Traffic Strass analysis or as identified by the City's ATP. However, the exclusion of the Class IV facility as part of the Project means that at some point in the future, the City must identify its own source of funding to complete the facility. 12-3

It is also extremely important from a design perspective to include the Class IV facility as part of the Project because the crossings of the driveways need to be constructed in such a manner that maintains safety. Neglecting to include the Class IV facility as part of the Project means that it would require extensive and potentially expensive modification at a later date to avoid creating a deficient condition. Similarly, a Class IV facility needs to include drainage, so the time when those elements are being constructed initially for the Project is the most opportune time to include them for a bikeway as well. More guidance on Class IV facilities is available from a number of resources including *Design Information Bulletin 89* from Caltrans as well as the NACTO *Don't Give Up at the Intersection* document. 12-4

The other major issue with the Project is that any attempts to lower VMT, including through better bicycle connectivity, have been all but written off as infeasible. Although Measure 3 from the WRCOG document prepared by Fehr & Peers is referenced, it is dismissed even though the City's ATP does in fact already have one element of that Measure, the Class IV bikeway facility, planned for the exact location of the Project. While it would indeed be implausible that the Class IV facility alone would be able to completely mitigate the VMT impacts, the potential for some 12-5

P.O. BOX 9266 Redlands, CA 92375 www.iebike.org 909.800.4322

INLAND EMPIRE
BIKING ALLIANCE

use by Project users does exist. Additionally, despite the built form of the area being relatively industrial (or indeed precisely because it is), there absolutely are improvements from Measure 3 which are feasible and could have a real impact. These include striping the proposed Class II bike lanes on Santa Ana Ave., implementing the Class III improvements on the portion of Juniper Ave. north of Santa Ana Ave., and/or implementing the Class II improvements on Cypress north of Santa Ana Ave. which would connect to the existing Class II bike lanes which cross the freeway.

12-5 (cont'd)

The final topic of concern and component of the TDM strategy is that of bicycle parking that is to be provided. The DEIR mentions that per *2019 CalGreen Code Chapter 5, Section 5.106.4 Bicycle Parking* would be followed. However, while the standards do call for racks to be permanently affixed, they otherwise remain too vague to truly ensure that the bicycle racks constructed would be usable. Instead, the City needs to ensure that the racks installed meet the guidelines set forth by the Association of Pedestrian and Bicycle Professionals as those standards are formulated with safe, long-term storage of bicycles in mind and be a useful part of a TDM strategy.

12-6

In summary, this DEIR is deficient. Not only does it result in a Significant Impact due to increased VMT, but it also is in conflict with the adopted Active Transportation Plan and that in turn creates a situation that would increase hazards by design. Additionally, the recommendations to reduce VMT essentially just give up and leave any potential options on the table, including those which could be achieved by virtue of improving the access of the project by bicyclists. We hope that this Project is but an aberration and the City does in fact intend to actually put the Active Transportation Plan, which the community worked hard to create, to use. If there are any additional questions, please feel free to contact me.

12-7

Sincerely,

Marven E. Norman, Executive Director

P.O. BOX 9266 Redlands, CA 92375 www.iebike.org 909.800.4322

RESPONSE NO. 12

Marven E. Norman, Executive Director
Inland Empire Biking Alliance
September 29, 2020

12-1 This comment provides a general introduction. Responses to specific comments are provided below.

12-2 The commenter states that the project would be out of compliance with the City's Active Transportation Plan based on its conclusion that a "Class IV facility should not be completed as part of the project even though Impact 4.13-3 indicates that the project would need to construct other roadway improvements adjacent to the site." As stated in Draft EIR Section 5.0, *Effects Found Not To Be Significant*, the proposed project does not include recreational facilities or require the expansion of recreational facilities (i.e., bicycle paths), because the type of project being proposed (i.e., light industrial facility) would not result in an increased demand for recreational facilities. As stated in Appendix D, *Funding Sources*, of the Fontana ATP, a variety of options exist to further plan, design, and construct bicycle transportation projects, including funding from Federal, State, regional, local, and private sources. Since the project would not result in increased demands for recreational facilities and bicycle transportation projects that would be implemented based on Appendix D of the Fontana ATP, the project Applicant would not be responsible for implementation of recommended improvements identified in the Fontana ATP in this regardmitigation measures that can be imposed on the project that can meaningfully reduce project-level VMT nor is there a way to enforce and quantify VMT reductions that could result from TDM measures. Refer also to Response to Comment 12-5.

The project does not conflict with the Fontana ATP; refer to Response to Comment 12-2. As concluded in Response to Comment 12-4, the proposed project would not create "a situation that would increase hazards by design."

3.0 ERRATA

Changes to the Draft EIR are noted below. A double underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, *Response to Comments*, of this Final EIR. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

These errata address the technical comments on the Draft EIR, which circulated from August 11, 2020 and through September 25, 2020. These clarifications and modifications are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR. Any changes referenced to mitigation measures contained in the Draft EIR text also apply to Draft EIR Section 1.0, *Executive Summary*, of the Draft EIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final EIR.

GLOBAL EDITS

Global errata apply to the entirety of the Draft EIR. These clarifications or modifications are not considered significant new information and would not result in new or substantially greater significant impacts as compared to those analyzed in the Draft EIR.

APPENDIX EDITS

The project's Water Supply Assessment has been updated based on a review by the Fontana Water Company and thus Appendix J, *Water Supply Assessment*, of the Draft EIR has been replaced with the following finalized document:

- Kimley Horn Associates, Water Supply Assessment for the Fontana Foothills Industrial Project, September 2020.

SECTION 3.0, PROJECT DESCRIPTION

The Errata noted below for Section 3.0 are global Errata and apply to the entirety of the Draft EIR. These clarifications or modifications are based upon applicable updated information that was not available at the time of the Draft EIR publication. These Errata are not considered significant new information and would not result in new or substantially greater significant impacts as compared to those identified in the Draft EIR.

PAGE 3.0-1, SECTION 3.1, OVERVIEW

Pursuant to Senate Bill (SB) 330, also known as the Housing Crisis Act of 2019, which was signed into law on October 9, 2019, a local agency is prohibited from disapproving, or conditionally approving in a manner that renders infeasible, a housing development project for very low-, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. Further, Government Code Section 66300(b)(1)(A) stipulates that agencies shall not "chang[e] the general plan land use designation,

specific plan land use designation, or zoning…to a less intensive use… below what was allowed under the land use designation and zoning ordinances in effect on January 1, 2018." For purposes of Government Code Section 66300(b)(1)(A), a "less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any changes that would lessen the intensity of potential housing development. Pursuant to SB 330, replacement capacity for any displaced residential units must be provided at the time of project approval based upon the land use designations and zoning ordinances in effect on January 1, 2018. Thus, the project also includes a residential upzone (upzone site) located at the southwest quadrant of Merrill Avenue and Catawba Avenue to replace the displaced dwelling unit potential at the proposed warehouse development site.

PAGE 3.0-35, SECTION 3.4.2, UPZONE SITE

3.4.2 Upzone Site

Pursuant to SB 330 requirements, the upzone site was selected to offset the proposed project's lost dwelling unit potential of 85 ~~155~~ units and "upzone" 13.76 acres of land located at the southwest corner of Merrill Avenue and Catawba Avenue from R-1, which permits up to 5 du per acre, to Medium Density Residential (R-2), which permits up to 12 du per acre; refer to ***Exhibit 3.0-4***. Applying the R-2 designation on the 13.76-acre site would accommodate an additional 97 dwelling units, for a total future development of 165 units, resulting in no net loss of the residential capacity for the City with the rezoning of the development site.

SECTION 4.2, AIR QUALITY

PAGE 4.2-16, OPERATIONAL EMISSIONS SUMMARY

The project's long-term operational emissions estimates were calculated using the CalEEMod model; refer to ***Appendix B***. This model predicts ROG, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions from area, energy, mobile traffic, and on-site equipment sources associated with the proposed land uses. ***Table 4.2-7: Development Site Summary of Peak Operational Emissions*** presents the anticipated operational source emissions for the project. CalEEMod utilizes summer and winter EMFAC 2017 emission factors in order to derive vehicle emissions associated with project operational activities, which vary by season. As such, operational activities for summer and winter scenarios are presented in ***Table 4.2-7***. As shown in ***Table 4.2-7***, the project would exceed the numerical thresholds of significance established by the SCAQMD for emissions of NO_X. It should be noted that the majority of the project's NO_X emissions are derived from vehicle usage. The Air Quality Analysis recommended six mitigation measures (MM AQ-2 through MM AQ-7) that could potentially reduce operational NO_X emissions from vehicle usage. However, proposed Mitigation Measures AQ-2 and AQ-3 are requirements by California Code of Regulations and CARB, therefore have been incorporated in the modeling and reflected in ***Table 4.2-7***, and proposed mitigation measure AQ-5 is required by the California Building Code, Title 24, Part 11. Proposed Mitigation Measures AQ-4 through AQ-7 could reduce NOx emissions and are therefore required as mitigation measures; however, there is uncertainty regarding the reductions that these measures would achieve, and therefore they are not quantified. ~~Since~~ Because the majority of emissions attributing to the exceedance of the NOx threshold are from trucks that are federally regulated, and neither the project applicant nor the City have regulatory authority to control tailpipe emissions, no feasible mitigation measures

exist that would reduce ~~these~~ NOx emissions to levels that are less than significant. As such, impacts would be significant and unavoidable.

PAGE 4.2-21, IMPACT 4.2-2 (VIOLATE AIR QUALITY STANDARDS), MITIGATION MEASURES

Mitigation Measures

AQ-1 Prior to issuance of building permits, the City Planning Department shall confirm on the project site plans that cold storage and facilities for Transport Refrigeration Units (TRUs) are not proposed. If it is determined that the proposed project would require TRUs or cold storage in the future, an amendment would be required to the project's entitlements to ensure such uses are analyzed in compliance with applicable laws and regulations.

Refer to Mitigation Measure AQ-2 through AQ-6 (see Impact 4.2-3).

PAGE 4.2-27, IMPACT 4.2-3 (EXPOSE SENSITIVE RECEPTORS), MITIGATION MEASURES

Mitigation Measures

AQ-2 During the site preparation phase, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower shall comply with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.

AQ-3 Prior to the issuance of occupancy permits the project, the project applicant or their successor in interest shall provide the City of Fontana with an information packet that will be provided to future building occupants regarding the grants available from the Carl Moyer Memorial Air Quality Standards Attainment Program for energy efficiency improvement features – including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires – and the resulting benefits to air quality.

AQ-4 Provide Electric Interior Vehicles. All buildings will be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles.

AQ-5 A Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall encourage and coordinate carpooling. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pickup time. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordination rides.

AQ-6 Prior to the issuance of occupancy permits for the project, the City of Fontana shall verify that a sign has been installed at each truck exit driveway that provides directional information to the City's truck route. Text on the sign shall read "To Truck Route"

with a directional arrow.

PAGE 4.2-30, IMPACT 4.2-5 (CUMULATIVE IMPACTS), MITIGATION MEASURES

Mitigation Measures

Refer to Mitigation Measures AQ-1 ~~and AQ-2~~ through AQ-6.

Level of Significance After Mitigation

Significant and Unavoidable Impact.

SECTION 4.10, LAND USE AND RELEVANT PLANNING

PAGE 4.10-6, IMPACT 4.10-1 (CONFLICT WITH A LAND USE PLAN, POLICY, OR REGULATION)

Project consistency with applicable General Plan goals and policies is detailed in ***Table 4.10-1: Project Consistency with the General Plan***. Although the General Plan contains numerous goals and policies beyond those discussed in ***Table 4.10-1***, those goals and policies are not intended to "avoid or mitigate an environmental effect" and therefore are not analyzed. As analyzed, although the project would result in significant and unavoidable impacts related to NO_X emissions, the project would be generally consistent with ~~all~~ applicable General Plan goals and policies, and a less than significant impact would occur in this regard.

PAGE 4.10-7, TABLE 4.10-1, PROJECT CONSISTENCY WITH THE GENERAL PLAN

Building a Healthier Fontana	
Goal 1 The average lifespan in Fontana consistently ranks within the top ten of all Southern California cities.	
Policy 3 Support local and regional initiatives to improve air quality in order to reduce asthma while actively discouraging development that may exacerbate asthma rates.	Partially Consistent. Implementation of the project would not impede the City of Fontana from supporting local and regional initiatives to improve air quality in order to reduce asthma. However, as concluded in Section 4.2, project operational-source NO_X emissions would exceed applicable SCAQMD regional thresholds. The human health and welfare impacts of NOX include aggravated lung and heart problems; refer to Table 4.2-1, *Criteria Air Pollutants Summary of Common Sources and Effects*. The project would be partially inconsistent with Building a Healthier Fontana, Goal 1, Policy 3, in this regard. ~~Consistent. Incorporation of Mitigation Measure AQ-2 will ensure that, during the site preparation phase, off-road diesel construction equipment greater than 150 horsepower shall comply with Environmental Protection Agency/California Air Resources Board Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications. Refer to Section 4.2, Air Quality, for more information.~~

PAGE 4.10-16, IMPACT 4.10-2 (CUMULATIVE IMPACTS), PARAGRAPH 2

As discussed above, although the project would result in significant and unavoidable impacts related to NO_X emissions, the proposed project would result in less than significant impacts concerning potential to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (including the City's General Plan, SWIP Specific Plan, Municipal Code, and 2016 RTP/SCS). Thus, the project would not result in cumulatively considerable impacts in this regard.

SECTION 4.15, UTILITIES AND SERVICE SYSTEMS

PAGE 4.15-1, INTRODUCTION, PARAGRAPH 1

This section evaluates the existing utilities and service systems setting and the proposed project's consistency with applicable goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable. The information and analysis herein rely on the General Plan and General Plan Environmental Impact Report (EIR). In addition, the *Water Supply Assessment for the Fontana Foothills Industrial Project* (WSA) was prepared for the project in ~~July~~ September 2020 by Kimley Horn Associates for the Fontana Water Company (FWC), which has been included in ***Appendix J, Water Supply Assessment***.

PAGE 4.15-1, SECTION 4.15.1, EXISTING CONDITIONS (NEW PARAGRAPH)

Under existing conditions, there are 12 residential structures and associated out buildings on the development site and 15 residential structures and associated out buildings on the upzone site, all of which currently consume water with the exception of the single vacant residence on the development site.

Existing water demands for the development site include residential water demand for 11 dwelling units (DUs) and commercial water demands for a 4.76-acre (207,298 square foot) nursery. Residential demand was calculated based on 156 gallons per capita day (gpcd) per FWC's 2015 RUWMP, and an assumption of 3 residents per DU. Commercial demand was calculated with a factor of 25 gallons per day (gpd) per 1000 square feet, based on Los Angeles County Sanitation District's typical flow factor for Nursery/Greenhouse land uses. According to the WSA, the total existing demand for the development site is approximately 12 acre-feet per year (AFY).

PAGE 4.15-11, IMPACT 4.15-2 (ADEQUATE WATER SUPPLY), TABLE 4.15-2, FUTURE WATER SUPPLIES IN NORMAL YEARS (AFY)

Year	2020	2025	2030	2035	2040
Demands from 2015 UWMP	40,140	47,536	50,773	53,711	56,562

Year		2020	2025	2030	2035	2040
Additional Project Demands (~~Goodman Industrial Park Fontana III~~ Project)		~~56~~ 0	~~56~~ 47	~~56~~ 47	~~56~~ 47	~~56~~ 47
Additional Demands (Southwest Fontana Logistics Center Project)		104	104	104	104	104
Additional Demands (Goodman III)		69	69	69	69	69
Additional Demands (Sierra)		0	62	62	62	62
Total FWC Projected Water Demands		40,313~~00~~	47,818~~696~~	51,015 ~~50,933~~	53,993~~871~~	56,844~~722~~
Water Supplies	Surface Water	5,700	5,700	5,700	5,700	5,700
	Lytle Basin	5,000	9,400	9,400	9,400	9,400
	Chino Basin	10,093~~80~~	10,698~~576~~	13,395~~13~~	15,873~~751~~	18,224~~102~~
	Rialto Basin	2,520	2,520	2,520	2,520	2,520
	No-Man's Land Basin	4,000	4,000	4,000	4,000	4,000
	Recycled Water	1,000	1,500	2,000	2,500	3,000
	Imported Water from SBCMWD	2,000	2,000	2,000	2,000	2,000
	Imported Water from IEUA	10,000	12,000	12,000	12,000	12,000
	Total	40,313~~00~~	47,818~~696~~	50,015~~933~~	53,993~~871~~	56,844~~722~~

Source: Kimley Horn, Water Supply Assessment for the Fontana Foothills Industrial Project, Table 11, p. 31~~33~~.

PAGE 4.15-12, IMPACT 4.15-2 (ADEQUATE WATER SUPPLY), TABLE 4.15-3, COMPARISON OF 2020 WATER SUPPLY AND DEMAND IN NORMAL, SINGLE DRY, AND MULTIPLE DRY YEARS (AFY)

Demand and Supply	2020	2025	Multiple Dry Years		
			2030	2035	2040
Demands from 2015 UWMP	40,140	29,998	37,757	36,462	29,998

Demand and Supply		2020	2025	Multiple Dry Years		
				2030	2035	2040
Additional Project Demands (~~Goodman Industrial Park Fontana III~~ Project)		~~56~~ 0	~~56~~ 47	~~56~~ 47	~~56~~ 47	~~56~~ 47
Additional Demands (Southwest Fontana Logistics Center Project)		104	78	98	94	78
Additional Demands (Goodman III)		69	69	69	69	69
Additional Demands (Sierra)		0	62	62	62	62
Total FWC Projected Water Demands		40,313~~00~~	30,254~~132~~	38,033 ~~7,907~~	36,734~~612~~	30,254~~132~~
Water Supplies	Surface Water	5,700	1,710	1,710	1,710	1,710
	Lytle Basin	5,000	5,000	4,000	4,000	4,000
	Chino Basin	10,093~~80~~	7,524~~402~~	16,303~~177~~	15,004 ~~14,882~~	8,524~~402~~
	Rialto Basin	2,520	2,520	2,520	2,520	2,520
	No-Man's Land Basin	4,000	4,000	4,000	4,000	4,000
	Recycled Water	1,000	1,000	1,000	1,000	1,000
	Imported Water from SBCMWD	2,000	1,000	1,000	1,000	1,000
	Imported Water from IEUA	10,000	7,500	7,500	7,500	7,500
	Total	40,313	30,254~~132~~	38,033 ~~37,907~~	36,734~~612~~	30,254~~132~~

Source: Kimley Horn, Water Supply Assessment for the Fontana Foothills Industrial Project, Table 12, p. 3~~2~~4.

PAGE 4.15-13, IMPACT 4.15-2 (ADEQUATE WATER SUPPLY), SINGLE DRY, AND MULTIPLE DRY YEARS (AFY)

Demand and Supply	2020	2025	Multiple Dry Years		
			2030	2035	2040
Demands from 2015 UWMP	56,562	42,271	53,204	51,379	42,271

Demand and Supply		2020	2025	Multiple Dry Years		
				2030	2035	2040
Additional Project Demands (~~Goodman Industrial Park Fontana III~~ Project)		~~56~~ 0	~~56~~ 47	~~56~~ 47	~~56~~ 47	~~56~~ 47
Additional Demands (Southwest Fontana Logistics Center Project)		104	78	98	94	78
Additional Demands (Goodman III)		69	69	69	69	69
Additional Demands (Sierra)		0	62	62	62	62
Total FWC Projected Water Demands		56,73522	42,527405	53,480358	51,651529	42,527405
Water Supplies	Surface Water	5,700	1,710	1,710	1,710	1,710
	Lytle Basin	9,400	9,400	7,520	7,520	7,520
	Chino Basin	18,11502	11,897775	24,730608	22,901779	13,777655
	Rialto Basin	2,520	2,520	2,520	2,520	2,520
	No-Man's Land Basin	4,000	4,000	4,000	4,000	4,000
	Recycled Water	3,000	3,000	3,000	3,000	3,000
	Imported Water from SBCMWD	2,000	1,000	1,000	1,000	1,000
	Imported Water from IEUA	12,000	9,000	9,000	9,000	9,000
	Total	56,73522	42,527405	53,480358	51,651529	42,527405

Source: Kimley Horn, Water Supply Assessment for the Fontana Foothills Industrial Project, Table 13, p. 335.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 4.0-1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the proposed Foothills Commerce Center Project. This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Fontana Foothills Commerce Center Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the Project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 4.0-1). If an adopted mitigation measure is not properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

- Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:
- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the EIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during project-specific review and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures are included as conditions of permits/approvals for future project-specific review.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

Based on the Draft EIR, no significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft EIR Section 5.0, *Effects Found Not to Be Significant*:

- Agriculture and Forest Resources;
- Mineral Resources;
- Population and Housing;
- Recreation; and
- Wildfire.

In accordance with Appendix G of the CEQA Guidelines, the following environmental issue areas were determined in the Draft EIR to have a potentially significant impact, and were included in the Draft EIR for further analysis:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Noise;
- Public Services;
- Transportation;
- Tribal Cultural Resources; and
- Utilities and Service Systems.

For the purposes of the environmental analysis in the Draft EIR, impacts were analyzed in each environmental issue area for the proposed project. Consideration of mitigation measures that apply to each respective topical area was considered, particularly if that impact would be reduced.

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
Aesthetics								
AES-1	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.	Construction Contractor	During Construction	Public Works Department	During Construction			
Air Quality								
AQ-1	Prior to issuance of building permits, the City Planning Department shall confirm on the project site plans that cold storage and facilities for Transport Refrigeration Units (TRUs) are not proposed. Additionally, the applicant shall include contractual language in future tenant lease agreement(s) that prohibits trucks with TRUs.	Project Applicant	Prior to Issuance of Building Permits	City Planning Department	Prior to Issuance of Building Permits			
AQ-2	During the site preparation phase, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower shall comply with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.	Construction Contractor	Site Preparation Phase	Public Works Department	Site Preparation Phase			
AQ-3	Prior to the issuance of occupancy permits the project, the project applicant or their successor in interest shall provide the City of Fontana with an information packet that will be provided to future building occupants regarding the grants available from the Carl Moyer Memorial Air Quality Standards Attainment Program for energy efficiency improvement features – including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires – and the resulting benefits to air quality.	Project Applicant	Prior to Issuance of Occupancy Permits	City Planning Department	Prior to Issuance of Occupancy Permits			

AQ-4	Provide Electric Interior Vehicles. All buildings will be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles.	Project Applicant	Prior to Issuance of Building Permits	City Planning Department	Prior to Issuance of Building Permits			
AQ-5	A Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall encourage and coordinate carpooling. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pickup time. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordination rides.	Project Applicant	Prior to Issuance of Occupancy Permits	City Planning Department	Prior to Issuance of Occupancy Permits			
AQ-6	Prior to the issuance of occupancy permits for the project, the City of Fontana shall verify that a sign has been installed at each truck exit driveway that provides directional information to the City's truck route. Text on the sign shall read "To Truck Route" with a directional arrow.	Project Applicant	Prior to Issuance of Occupancy Permits	City Engineer	Prior to Issuance of Occupancy Permits			
Biological Resources								
BIO-1	Prior to the issuance of the first grading or building permits, a focused burrowing owl survey shall be conducted no more than 45 days prior to ground disturbance within the development site and a 500-foot survey area surrounding the development site, pursuant to the requirements of the *2012 CDFG Staff Report on Burrowing Owl Mitigation*. After completion of appropriate surveys, a final report shall be submitted to the City of Fontana Planning Division within 14 days following completion. The report shall detail survey methods, transect width, duration, conditions, results of the survey, and any actions required to avoid impacts to burrowing owl. If burrowing owls are detected, no ground-disturbing activities shall be permitted within the distances listed below in Table 1, titled "Burrowing Owl Burrow Buffers," unless otherwise authorized by California Department of Fish and Wildlife (CDFW). Burrowing owls shall not be moved or excluded from burrows during the breeding season.	Project Applicant/ Qualified Biologist	Prior to Issuance of First Grading or Building Permits	Community Development Department – Planning Division	Prior to Construction			

Mitigation Table 1: Burrowing Owl Burrow Buffers (CDFG Staff Report, 2012)

		Level of Disturbance		
Location	**Time of Year**	**Low**	**Medium**	**High**
Nesting Sites	April 1-Aug 15	656 ft	1,640 ft	1,640 ft
Nesting Sites	Aug 16-Oct 15	656 ft	656 ft	1,640 ft
Any Occupied Burrow	Oct 16-Mar 31	164 ft	328 ft	1,640 ft

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the *2012 CDFG Staff Report on Burrowing Owl Mitigation*. Burrowing owls shall not be excluded from burrows unless or until:

- Occupied burrows shall not be disturbed during the nesting season, generally defined as February 1 through August 31.
- Before excluding owls during the non-nesting season, generally defined as September 1 through January 31, a qualified biologist meeting the Biologist Qualifications set forth in the May 2012 CDFG Staff Report, shall verify through noninvasive methods that either: (1) the owls have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- A Burrowing Owl Exclusion Plan is developed and approved by the applicable local CDFW office and submitted to the City Planning Department. The plan shall include, at a minimum:
  - Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
  - Type of scope and appropriate timing of scoping to avoid impacts;
  - Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily, and monitored for evidence that owls are inside and can't escape (i.e., look for sign immediately inside the door);
  - How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that owls do not reside in the burrow);

	○ Removal of other potential owl burrow surrogates or refugia on-site; ○ Photographing the excavation and closure of the burrow to demonstrate success and sufficiency; ○ Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take; • How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.							
BIO-2	If vegetation removal is scheduled within the avian nesting season (generally from February 1 through August 31), a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist within seven days of anticipated vegetation removal at the development site. The qualified biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the development site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest; for raptor species, this buffer shall be 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activities. Results of the pre-construction survey and any subsequent monitoring shall be provided to the California Department of Fish and Wildlife and other appropriate agency.	Project Applicant/ Qualified Biologist	Prior to Construction	Community Development Department – Planning Division / California Department of Fish and Wildlife	Prior to Construction			
BIO-3	Prior to construction, a tree inventory and replacement plan shall be prepared by the applicant in compliance with the City's tree ordinance and submitted to the City of Fontana Planning Division for review and approval. The plan, at a minimum, shall include: a. Listing of trees recommended for preservation by a qualified arborist, including criteria for recommendation such as species, height, circumference and overall health;	Project Applicant	Prior to Construction	Community Development Department – Planning Division	Prior to Tree Removal			

	b. Any tree recommended for preservation that is removed as part of construction shall be replaced at the appropriate ratio detailed in City of Fontana Municipal Code Section 28-67, *Tree Replacement or Relocation*, which is dependent on the existing tree's trunk diameter and health. c. The size of each replacement tree shall be a 15-gallon or larger specimen, measuring one inch or more in diameter at a point of twelve inches above the base. For removal of any protected tree species, including significant, or specimen trees, a tree report shall be prepared, and a tree removal permit obtained prior to tree removal in compliance with the City of Fontana Municipal Code Chapter 28, Article III.							
Geology and Soils								
GEO-1	Prior to issuance of a grading permit, the project applicant shall demonstrate, to the satisfaction of the City of Fontana Building Official, that the recommendations for design and construction identified in the Geotechnical Investigation, prepared by Southern California Geotechnical, Inc. on April 22, 2020 (or thereafter, if applicable), have been incorporated into the project design, grading plans, and building plans. The project's final grading plans, foundation plans, building loads, and specifications shall be reviewed by a State of California Registered Professional Geologist/Registered Professional Engineer to verify that the Geotechnical Investigation's recommendations have been incorporated and updated, as needed.	Project Applicant/ Professional Geologist or Professional Engineer	Prior to Issuance of Grading Permit	City of Fontana Building Official	Grading Plan and Building Permit Review Process			
GEO-2	Prior to project grading activities, a paleontological resource mitigation program (PRMP) shall be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, to monitor, salvage, and curate any recovered fossils associated with the proposed project area, should these be unearthed during ground disturbance within the project area. The proposed project's PRMP shall implement the following procedures: • A trained and qualified paleontological monitor shall perform spot-check and/or monitoring of any excavations on the project site that have the potential to impact paleontological resources in undisturbed native sediments below 5 feet in	Project Applicant/ Geotechnical Engineer	During Construction	Building and Safety Department	During Construction			

	depth. The monitor shall have the ability to redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. • The project paleontologist shall re-evaluate the necessity for paleontological monitoring after examination of the affected sediments during excavation, with approval from Lead Agency and project applicant. • Any potentially significant fossils observed shall be collected and recorded in conjunction with best management practices (BMPs) and SVP professional standards. • Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations. • A report documenting the results of the monitoring, including any salvage activities and the significance of any fossils, shall be prepared and submitted to the appropriate personnel.							
GEO-3	A qualified paleontologist shall conduct a pre-construction field survey of all site-specific development proposals occurring within the upzone site that are underlain by older alluvium. The qualified paleontologist shall submit a report of findings to the City of Fontana Planning Division that provides specific recommendations that may be appropriate, such as preparation of a site-specific a paleontological resource mitigation program (PRMP).	Project Applicant/ Qualified Paleontologist	Prior to Construction	Community Development Department – Planning Division	Prior to Construction			
Hazards and Hazardous Materials								
HAZ-1	Prior to any demolition or building permit approval, an Asbestos Hazard Emergency Response Act) and California Division of Occupational Safety and Health certified building inspector shall conduct an asbestos survey to determine the presence or absence of asbestos containing-materials (ACMs). If the asbestos survey reveals ACMs, asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District Rule 1403 prior to any activities that would disturb ACMs or create an airborne asbestos hazard.	Project Applicant/Building Inspector	Prior to any Demolition or Building Permit Approval	City Engineer	Prior to any Renovation or Demolition or Building Permit Approval			

HAZ-2	If paint is to be chemically or physically separated from building materials during structure demolition, the paint shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which specified exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City engineer.	Environmental Professional	During Structure Demolition	City Engineer	During Structure Demolition			
Transportation								
TR-1	Prior to issuance of any grading and/or demolition permits, whichever occurs first, the project applicant shall prepare a Construction Traffic Management Plan (TMP) to be submitted for review and approval by the City Engineer. The TMP shall, at a minimum, address the following: • Traffic control for any street closure, detour, or other disruption to traffic circulation. • Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the Project site, traffic controls and detours, and proposed construction phasing plan for the Project. • Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets. • Require the Project applicant to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The applicant shall clean adjacent streets, as directed by the City of Fontana Public Works Department, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. • Hauling or transport of oversize loads shall be subject to the requirements of the City of Fontana Public Works Department and/or the County of San Bernardino. • Use of local streets shall be prohibited. • Haul trucks entering or exiting public streets shall at all times yield to public traffic.	Project Applicant	Prior Grading and/or Demolition Permits Issuance/ During Construction	City Engineer	Prior Grading and/or Demolition Permits Issuance/ During Construction			

	• If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer. • All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site. • Should the Project utilize State facilities for hauling of construction materials, the Construction Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment. • Should Project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the applicant shall coordinate with the City Engineer regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access. The TMP shall be monitored for effectiveness and be modified in conjunction with the City Engineer, if needed to improve safety and/or efficiency.							
TR-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 building permit issuance for the improvement of Juniper Avenue and Santa Ana Avenue (Intersection No. 4) with a second eastbound through lane, which is already included in the DIF program. The project applicant shall also pay the fair share amount of $4,089, or as agreed to by the City and project applicant, for the proposed improvement of Juniper Avenue and Jurupa Avenue (Intersection No. 7), including restriping the northbound and southbound approaches to accommodate a left-turn lane and shared through right-turn lane.	Project Applicant	Prior to Issuance of Building Permits	City Engineer	Prior to Issuance of Building Permits			
Tribal Cultural Resources								
TCR-1	In the event that a monitor is required and/or Native American cultural resources are discovered while working on site, all work shall be suspended 50 feet around the resource(s) 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 if the following are activities are initiated:	Project Applicant / Qualified Archaeologist	If Native American Cultural Resources are Discovered	City of Fontana Planning Division/Native American Tribal Entity	If Native American Cultural Resources			

	• 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; and • If the qualified archaeologist determines the resource(s) to be a "unique archaeological resource" consistent with Public Resources Code Section 21083.2 or a "tribal cultural resource" consistent with Public Resources Code Section 21074. A Cultural Resources Management Plan shall be prepared by the project archaeologist and submitted to the City Planning Division and South Central Coast Information Center at California State University Fullerton.				are Discovered			

Michael Baker
INTERNATIONAL

3536 Concours Street
Suite 100
Ontario, CA 91764
(909) 974-4900

MBAKERINTL.COM