

APPENDIX A

NOP and Scoping Materials



CLERK OF THE BOARD

Received on: 7-7-23

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City of Fontana
Planning Department
8353 Sierra Avenue
Fontana, CA 92335

Notice of Preparation of a Draft EIR and Scoping Meeting for the Cherry Commerce Center Project (Amended)

Date: July 7, 2023
To: Interested Parties
Subject: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting
Project Title: Cherry Commerce Center

The City of Fontana, as lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for the Cherry Commerce Center Project (Project). In accordance with Section 15082 of the CEQA Guidelines, the City has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed Project and its potential environmental effects.

The purpose of this notice is to:

- 1) Serve as the Notice of Preparation of an Environmental Impact Report for the Office of Planning and Research (OPR), Responsible Agencies, public agencies involved in funding or approving the Project, and Trustee Agencies responsible for natural resources affected by the Project, pursuant to CEQA Guidelines Section 15082; and
- 2) Advise and solicit comments and suggestions regarding the preparation of the EIR, environmental issues to be addressed in the EIR, and any other related issues, from interested parties, including interested or affected members of the public.

Project Location

The Project site is located at 11171 Cherry Avenue, on approximately 30 acres that is currently occupied by a staging yard for heavy building materials and construction equipment and is composed of two parcels (APNs: 0236-191-14 and 0236-191-25). The Project site is located south of Interstate 10 (I-10), north of State Route 60 (SR-60), and east of Interstate 15 (I-15), in southwestern Fontana, San Bernardino County (County), California. The Project site is bounded by Cherry Avenue to the west, Jurupa Avenue to the south, Redwood Avenue to the east with warehouses beyond, and a truck driving academy and recycling facility to the north.

Project Description

The Project proposes two logistics (warehouse) buildings totaling approximately 702,000 sf, of which 16,000 sf would be office space. Building 1 would total approximately 477,480 sf including office space and Building 2 would total approximately 224,315 sf including office space. The Project would include approximately 333 automobile parking stalls, approximately 105 trailer parking stalls, curb and gutter, security lighting, perimeter wall and gated access.

CLERK OF THE BOARD OF SUPERVISORS
2023 JUL -7 AM 11:24
COUNTY OF SAN BERNARDINO

Building Design

The proposed logistics (warehouse) Buildings No. 1 and No. 2 would be designed to specifically screen the truck court, docks and truck parking stalls to face the center of the site to shield them from the residential development located south of Jurupa Avenue and the Henry J. Kaiser High School located west of Cherry Avenue. Most of the truck and vehicle movement within the Project site would occur within the central truck court of the site with access to the north with Buildings No. 1 and No. 2 located on the east and west portions of the site screening the interior of the site.

Building No. 1 would be approximately 50 feet high and Building No. 2 would be 46 feet high; both buildings would be well within the maximum allowed building height of 60 feet within Southwest Industrial Park Specific Plan (SWIP-JND). The building elevations would be articulated with varying depths of recesses with varying window sizes. The paint scheme includes a variable grey and white paint scheme to minimize the scale of the building with a decorative paint feature in the recesses along the sides (east side of Building 2 and west side of Building 1) and rear (north) elevations of the building. The Project proposes a total of approximately 91 dock doors, of which, Building 1 would include approximately 62 dock doors along the east side of the building; Building 2 would include approximately 29 dock doors along the west side of the building. Dock doors for both buildings would face the center of the site and would be shielded from direct public views by the proposed buildings, and landscaping.

Landscaping

Landscape requirements within the SWIP consist of 15 percent minimum landscaping of the site (excluding areas covered by buildings, structures, or areas used for approved outside storage, loading, etc.). The Project would landscape up to 25 percent (approximately 143,000 sf) of the total Project site; that is up to 10 percent more than the minimum 15 percent required by the City. Additionally, an approximately 30-foot-wide perimeter landscaping setback would surround the Project site on west and south sides, along Cherry Avenue and Jurupa Avenue, respectively. Elsewhere, an approximately 20-foot-wide landscaping setback would be provided. Landscaping would meet the City's Zoning and SWIP Specific Plan.

Project Circulation and Parking

Ingress and egress to the site would be provided via five driveways:

- Auto Driveway No. 1 is a 35-foot-wide (right-in/right-out) driveway located on the northwest most corner of the site. There are no driveways serving the adjacent high school next to Driveway No. 1.
- Auto Driveway No. 2 is a 35-foot-wide (right-in/right-out) driveway located on the southwest portion of the site along Jurupa Avenue.
- Auto Driveway No. 3 is a 35-foot-wide (right-in/right-out) driveway located in the center of the site along Jurupa Avenue.
- Auto Driveway No. 4 is a 35-foot-wide (full access) driveway located on southeast corner of the site along Redwood Avenue.

**City of Fontana
Cherry Commerce Center Project**

- Truck Driveway No. 5 is a 46-foot-wide (full access) driveway located in the northeast corner of the site along Redwood Avenue. Driveway No. 5 would be designated as a private street.

Regional Project access would be from State Route 60 (SR-60) via the Country Village Road ramp, from I-10 via the Cherry Avenue ramp, and from I-15 via the Jurupa Avenue ramps. According to the City of Fontana General Plan Update, Exhibit 9.7, Truck Routes, both Cherry Avenue and Jurupa Avenue are officially designated local truck routes. Truck access to the Project would be provided via, Redwood Avenue. The Project would include approximately 333 automobile parking stalls and approximately 105 trailer parking stalls.

EIR Scope

The City of Fontana, the lead agency for the proposed Cherry Commerce Center Project, is subject to specific environmental review under the California Environmental Quality Act (CEQA) with the development of this Project. CEQA Guidelines Section 15063 provide that if a lead agency determines that an Environmental Impact Report (EIR) will clearly be required for a project, an Initial Study is not required. In this case, the City has already determined that an EIR will need to be prepared based on the Project’s potential to create short-term, long-term, or cumulative impacts associated with the proposed Project. Therefore, an EIR will be prepared to fully evaluate the potential impacts of the proposed Project. The EIR will evaluate all identified issues from the 2023 CEQA Environmental Checklist Form.

The following issues are anticipated to be addressed in the EIR:

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

Cortese List Notice: Pursuant to Public Resources Code 21092.6(a), the Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

Responsible Agencies

A responsible agency means a public agency other than the lead agency, which has permitting authority or approval power over some aspect of the overall Project. This Notice provides a description of the Project and solicits comments from responsible agencies, trustee agencies, federal, state, and local agencies, and other interested parties on the scope and content of the environmental document to be prepared to analyze the environmental impacts of the Project. Comments received in response to this Notice will be reviewed and considered by the lead agency in determining the scope of the EIR.

Due to time limits, as defined by CEQA, your response should be sent at the earliest possible date, but no later than thirty (30) days after publication of this notice. We need to know the views of your agency as to the scope and content of the environmental information that is germane to you or to your agency's statutory responsibilities in connection with the Project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the Project.

Opportunity for Public Review and Comment

This Notice is available for public review on the City's website at:
<https://www.fontanaca.gov/2137/Environmental-Documents>

Notice of Preparation Comment Period

Friday, July 7, 2023 and ends on Monday, August 7, 2023.

Comments

We would like to hear what you think. Please submit your comments by 5:00 p.m. on August 7, 2023 to:

George Velarde – Assistant Planner
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
Email: gvelarde@fontanaca.gov

Please include the name, phone number, email address, and mailing address of your agency's contact person in your response.

Scoping Meeting

The CEQA process encourages environmentally-related comments and questions from the public throughout the planning process. Consistent with Section 21083.9 of the CEQA statute, a Public Scoping Meeting will be held to solicit environmentally-related public comments on the scope and content of the EIR.

The meeting will be held on:

Date and Time: ~~Friday~~ Wednesday, July 19, 2023 from 5:00 pm - 6:00 pm

Place: Teams Virtual Meeting
https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjAyZWU3MTktODZjYi00MzNhLWUwY2ItYWU0ODU2MjBmZDFi%40thread.v2/0?context=%7b%22Tid%22%3a%227e220d30-0b59-47e5-8a81-a4a9d9afbdc4%22%2c%22Oid%22%3a%22d5ef5f36-1c0b-40db-b34e-5d63a2e5cb96%22%7d
Dial-In Number +1-984-204-1608, United States Conference ID: 231 727 038 374
Passcode: jbR9Jd

Attachments:

- Exhibit 1 – Regional Vicinity
- Exhibit 2 – Project Location
- Exhibit 3 – Conceptual Site Plan

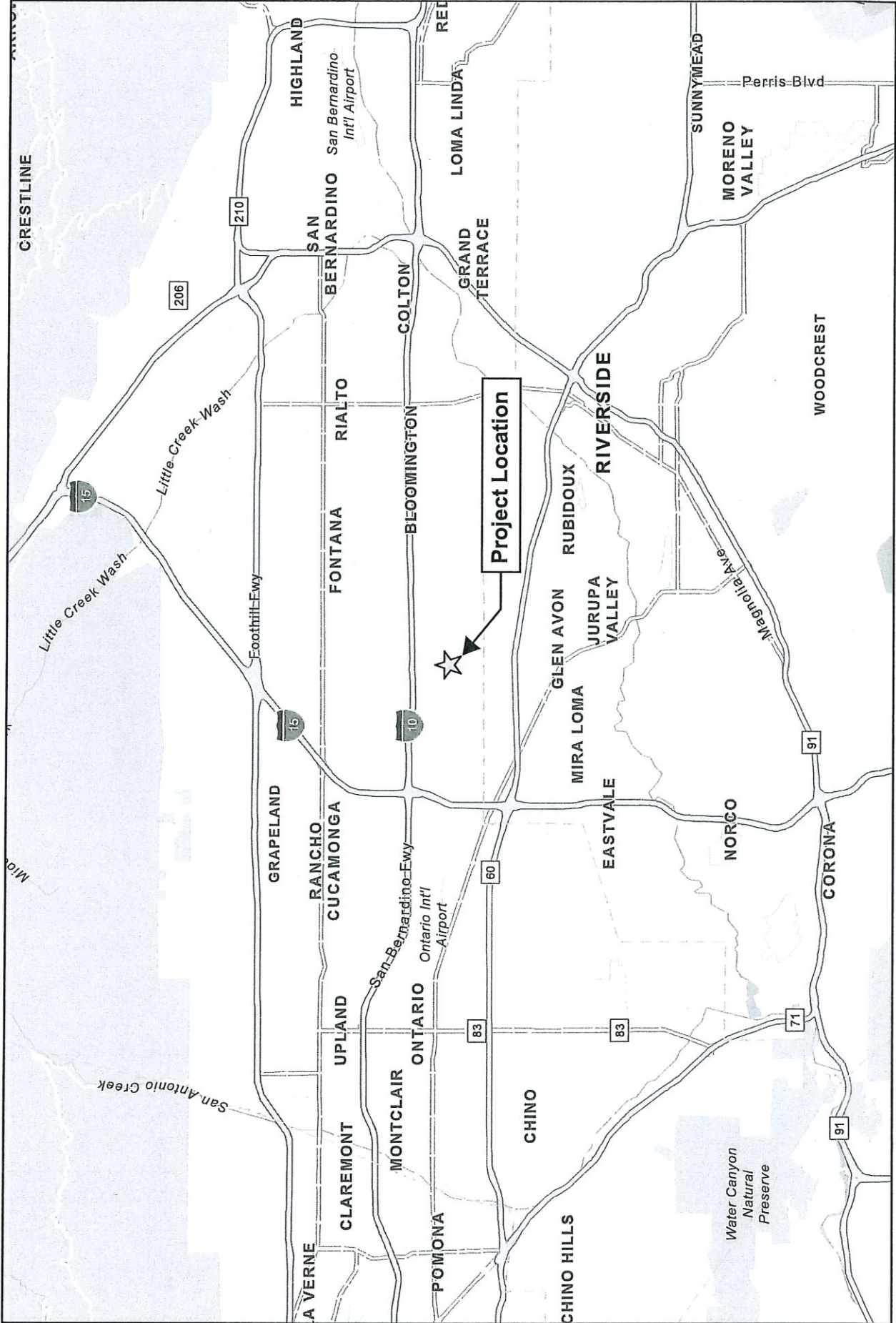


FIGURE 1: Regional Location
Cherry Commerce Center Project



Not to scale

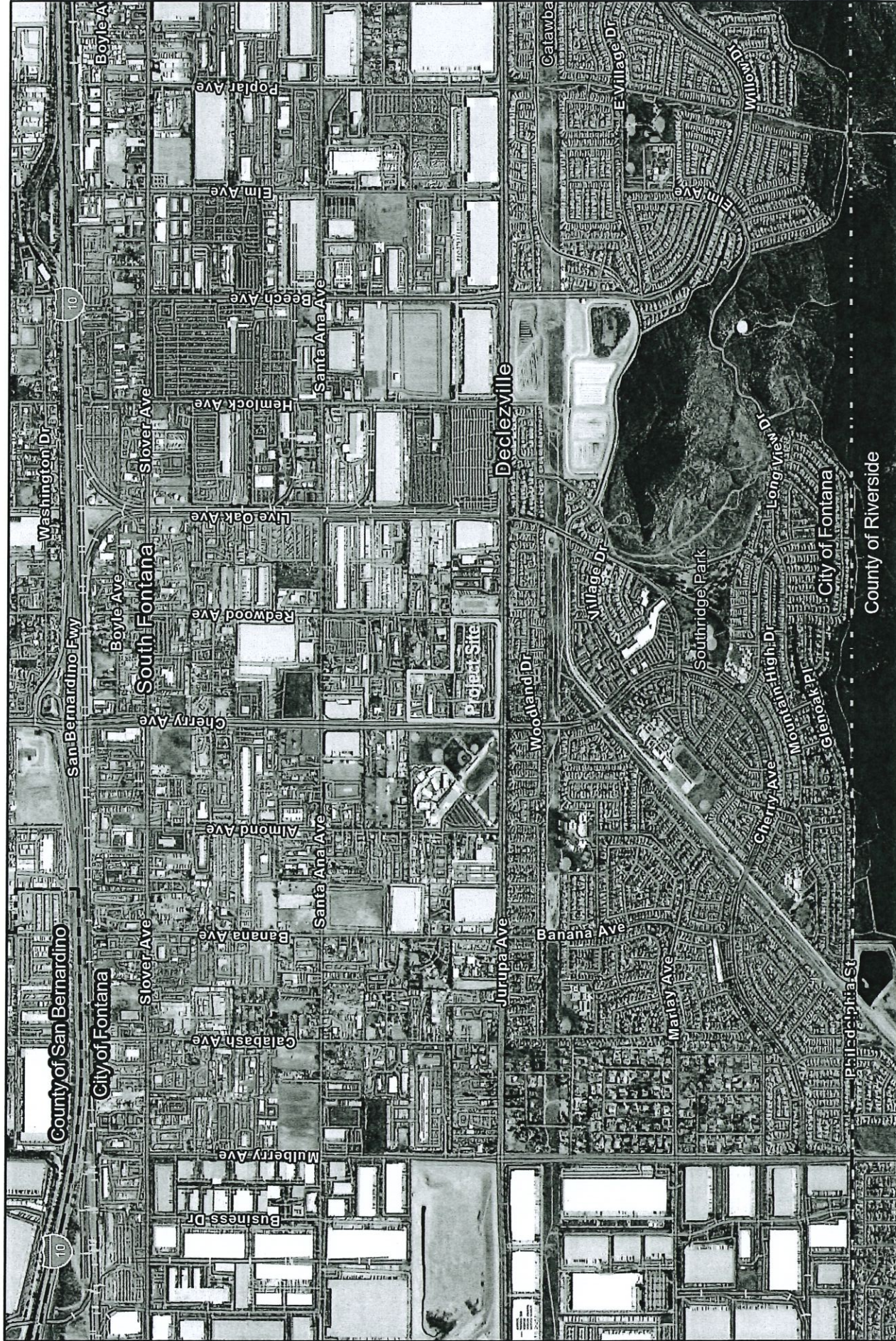
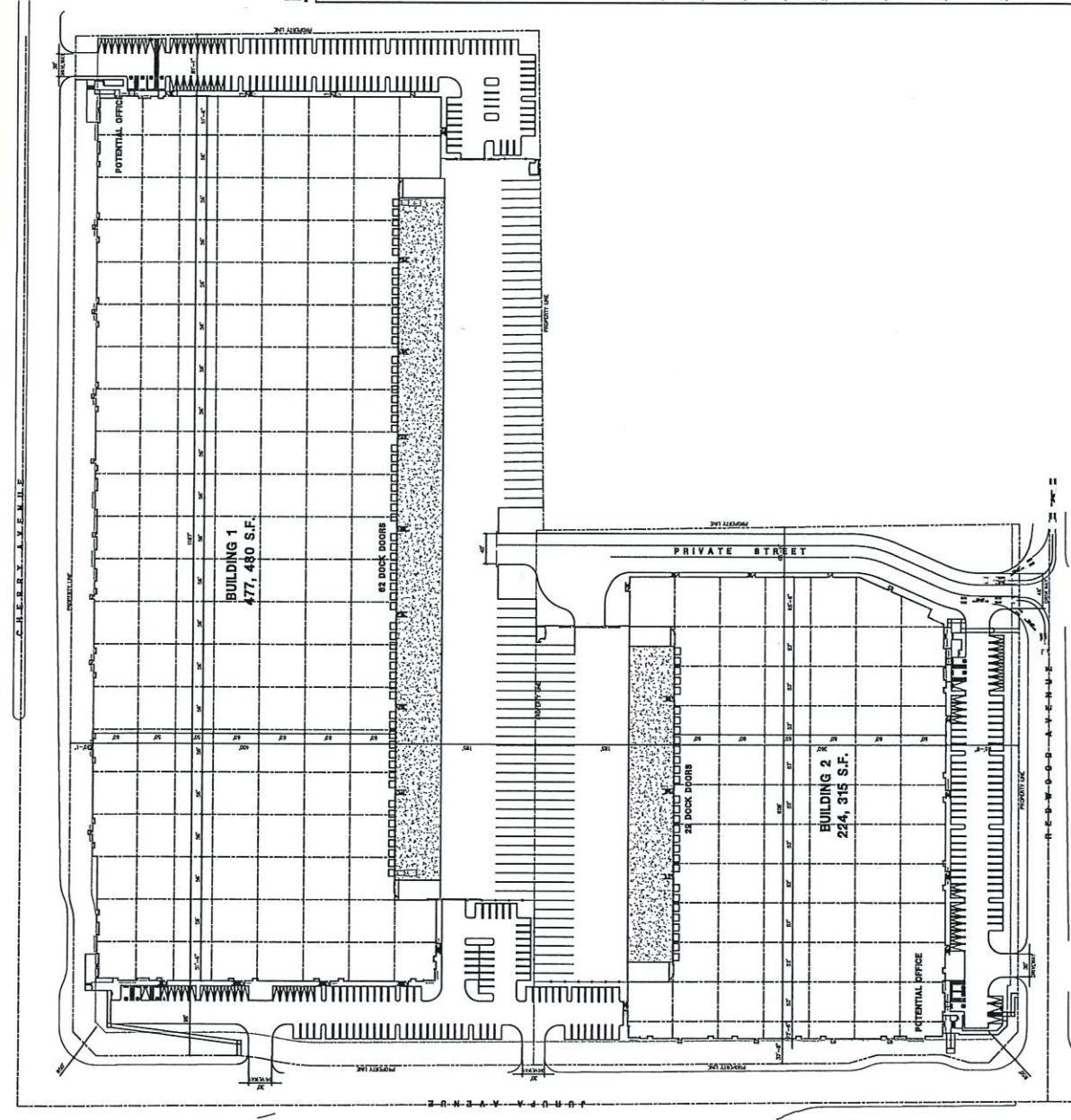


FIGURE 2: Project Location
Cherry Commerce Center Project



Not to scale



PROJECT DATA

	BLDG. 1	BLDG. 2	TOTAL
SITE AREA			
in s.f.	831,553	450,320	1,281,873 s.f.
in acres	19.1	10.3	29.4 ac
BUILDING AREA			
Office - 1st floor	10,000	6,000	16,000 s.f.
Warehouse	467,480	218,315	685,795 s.f.
TOTAL	477,480	224,315	701,795 s.f.
COVERAGE	57.4%	49.8%	54.7%
AUTO PARKING REQUIRED			
High Cube:	n/a	n/a	n/a stalls
Office: 1/250 s.f. (if exceed 10% GFA)	20	20	40 stalls
Whse: 1st 20K @ 1/1,000 s.f.	10	10	20 stalls
2nd 20K @ 1/2,000 s.f.	88	37	125 stalls
above 40K @ 1/5,000 s.f.	118	67	185 stalls
TOTAL	220	113	333 stalls
AUTO PARKING PROVIDED			
Standard (9' x 19')	69	36	105 stalls
TRAILER PARKING PROVIDED			
Trailer (12' x 52')			
Height - 60'			
MAXIMUM BUILDING HEIGHT ALLOWED			
MAXIMUM FLOOR AREA RATIO			
FAR - .55			
ZONING ORDINANCE FOR CITY			
Zoning Designation - Southwest Industrial Park / Junupa North Research & Development District (JND)			
LANDSCAPE REQUIREMENT			
Percentage - 15% (excluding areas covered by buildings, structures, or areas used for approved outside storage, loading etc.)			
LANDSCAPE PROVIDED			
Percentage -	30.9%	25.8%	24.6%
in s.f.	85,171	57,512	142,683 s.f.
SETBACKS			
Junupa Ave. - 30' (front), 20' (side)			
Cherry Ave. - 30' (front), 20' (side)			
Redwood Ave. - 20'			
Interior side / rear - none			

Source: HOK Architecture, 5/16/2020.

FIGURE 3: Conceptual Site Plan
Cherry Commerce Center Project

Not to scale



Public Scoping Meeting

Cherry Commerce Center Project
Environmental Impact Report



Agenda

- Welcome and Introductions
- Purpose of Scoping Meeting/CEQA
- Project Background
- CEQA Process
- Process Update



Purpose of a CEQA Scoping Meeting

- CEQA = California Environmental Quality Act
- Purpose
 - To receive input from the public and interested agencies on the environmental issues to be addressed in the Environmental Impact Report (EIR).
 - To provide an overview of the CEQA process
- This scoping session is **NOT** intended to discuss the merits of the proposed Project
- Merits of the project may be discussed at future public meetings before the Planning Commission.



Purpose of an EIR

- An EIR allows for an in-depth analysis of the potential environmental effects of a proposed project.
 - Disclose project impacts to public and decision makers
 - Provides potential alternatives that could reduce or remove significant impacts
 - Define and analyze alternatives
 - Foster inter-agency coordination and public review/participation
- Public input is built into the process
 - Notification of EIR/technical studies
 - Multiple opportunities to review and provide comment on the DEIR
 - Public meetings
 - A Final EIR created based on comments received from the Draft EIR



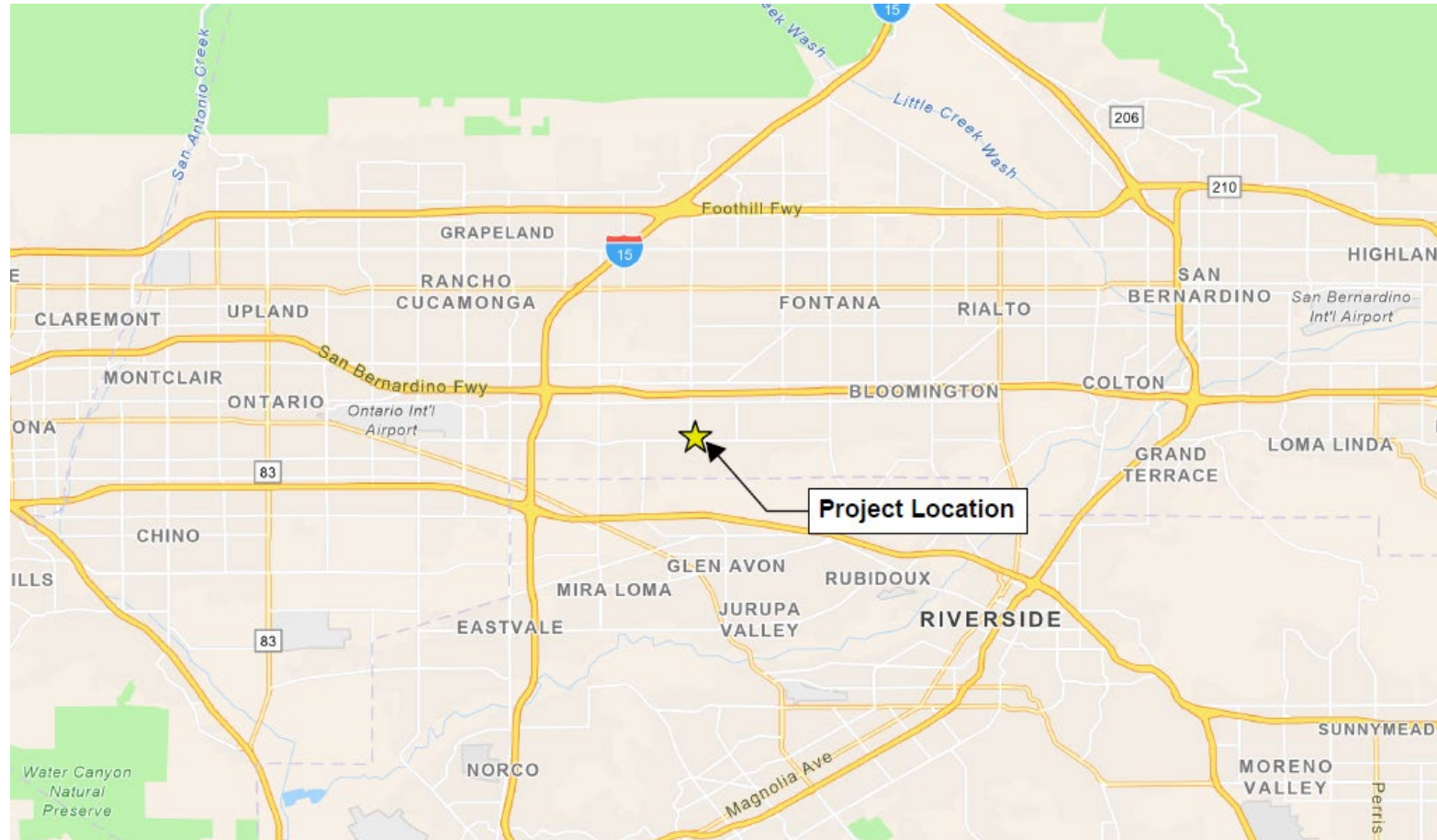


Project Location

- The two parcel Project site (APNs: 0236-191-14 and 0236-191-25) is comprised of approximately 30 acres and is located south of the San Bernardino Freeway (I-10) and Slover Avenue within the City.
- The Project location is bounded to the north by an existing truck driver academy and recycling facility, to the south by Jurupa Avenue and existing residential properties, to the west by Cherry Avenue and Henry J. Kaiser High School, and to the east by Redwood Avenue and existing warehouse/industrial buildings.



Regional Vicinity



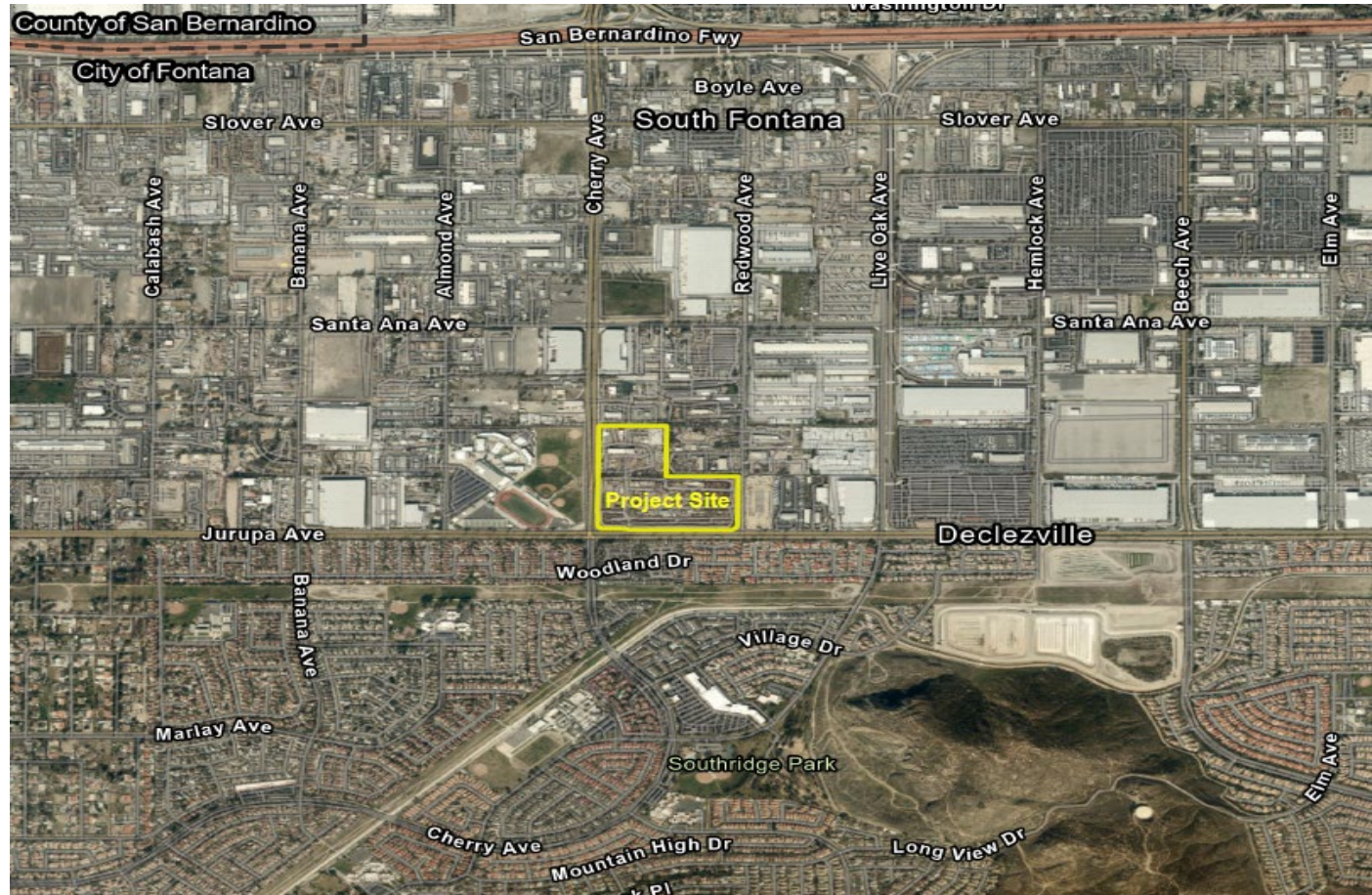


Project Summary

- The Project includes the redevelopment of an existing outdoor storage/staging yard for heavy building materials and construction equipment.
- The Project includes the development of two warehouse buildings totaling approximately 702,000-square feet with approximately 16,000 square feet of office use.
 - Building 1 would total 477,480 square feet, of which 10,000 square feet is office space.
 - Building 2 would total 224,315 square feet, of which 6,000 square feet is office space.
 - Includes 333 automobile parking stalls and 105 trailer parking stalls.
 - The buildings would maintain a typical height of approximately 50 feet and would have a maximum Floor Area Ratio (FAR) of 55.00%.
- The Project is consistent with the City's General Plan Land Use Designation (Light Industrial (I-L)) and Zoning (Southwest Industrial Park(SWIP-JND)).



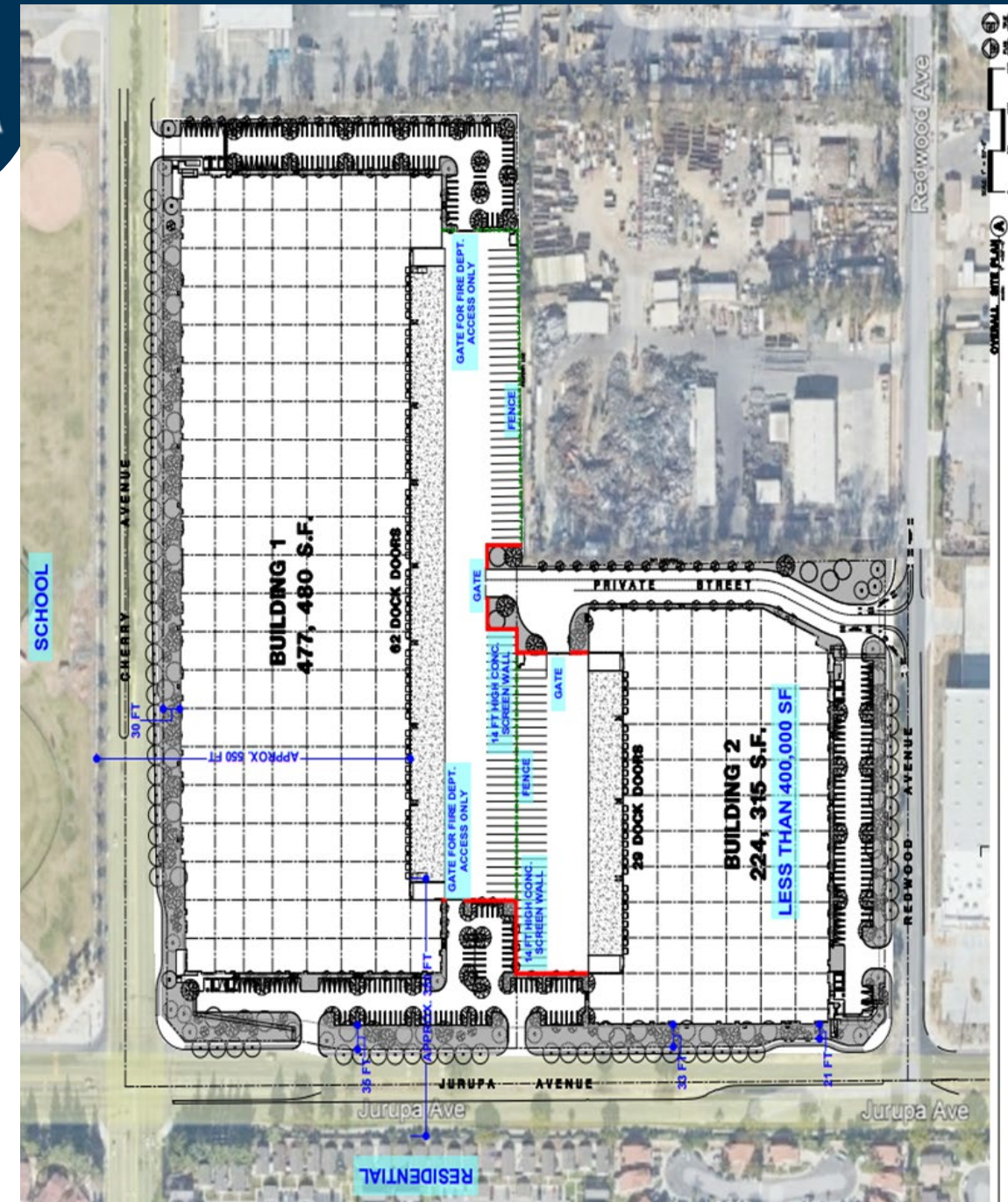
Site Map



Site Plan

Project Design Features (Good Neighbor Guideline Compliance/Ordinance 1891)

- Project designed with dock doors facing the interior of the project site.
- The closest dock doors to the school are 550 feet (300 feet required)
- The dock doors to residential properties are 380 feet (300 feet is minimum)
- Existing warehouses to the north and east
- The Project will provide 14-foot screening walls
- Enhanced landscaping will be provided along Cherry Avenue, Jurupa Avenue and Redwood Avenue





Landscape Plan



PLANTING LEGEND

TREES					
SYMBOL	BOTANICAL COMMON NAME	SIZE	QTY	BUCKETS	REMARKS
	Blue Bird Juniper Blue Tree	18 Gal	139	M	Standard
	Carob/Cashew Sycamore Paper Birch	48" Dia 24" Dia	15	L	Multi
	Pinus halepensis Argente Pine	48" Dia	36	L	Standard
	Quercus ilex Holly Leaf Oak	48" Dia 24" Dia	31	M	Multi
	Pinus insularis All-Von Spruce	24" Dia	71	L	Standard

SHRUBS					
SYMBOL	BOTANICAL COMMON NAME	SIZE	QTY	BUCKETS	SPACING
	Abutilon hybridum Blue Hibiscus	5 Gal	6	M	2' DC
	Baccharis distachya Coarse Shrub	5 Gal	0	L	2.0' from
	Calluna s. 'Green Carpet' Prostrate Natal Plum	1 Gal	30' O.C.	M	2' DC
	Eleagnus parviflora Shrubbery	5 Gal	0	M	2' DC
	Hebe x exoniifolia Tree	5 Gal	0	M	2' DC
	Prostrata stramonium 'Spenser' Prostrata Foxglove	5 Gal	0	M	2' DC
	Thymus praecox Common Thyme	5 Gal	0	L	2.0' from
	Thymus praecox Common Thyme	5 Gal	0	M	2' DC
	Thymus praecox Common Thyme	5 Gal	0	L	2.0' from

ACCENTS					
SYMBOL	BOTANICAL COMMON NAME	SIZE	QTY	BUCKETS	REMARKS
	Agave sisalana Agave	8 Gal	8	L	
	Agave sisalana Agave	5 Gal	8	L	

GROUNDCOVER					
SYMBOL	BOTANICAL COMMON NAME	SIZE	SPACING	BUCKETS	REMARKS
	Calluna s. 'Green Carpet' Prostrate Natal Plum	1 Gal	30' O.C.	M	
	Lupinus albus Yellow Lupine	1 Gal	30' O.C.	L	





Proposed Project

- Development of the proposed Project would require the following approvals:
 - Design Review
 - Review of the site plan and architectural design for the proposed new warehouse buildings
 - Tentative Parcel Map (20744)



EIR Scope and Process

- Project EIR
 - A Project EIR will be prepared for the proposed Project
 - This type of EIR shall focus primarily on the changes in the environment that would result from the development project.
 - The EIR shall examine all phases of the project including planning, construction, and operation.



EIR Scope and Process

- The scope of the Project EIR will address the short- and long-term effects of the Project on the environment, including the impacts of any off-site improvements.
- It will also evaluate the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts.



EIR Scope and Process

All Environmental Factors will be analyzed in the EIR.

- These environmental factors include:
 - Aesthetics
 - Agriculture and Forestry
 - Air Quality
 - Biological Resources
 - Cultural Resources
 - Energy
 - Geology and Soils
 - Greenhouse Gas
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Land Use
 - Noise
 - Population and Housing
 - Public Services
 - Recreation
 - Transportation
 - Tribal Cultural Resources
 - Wildfire
 - Mandatory Findings of Significance

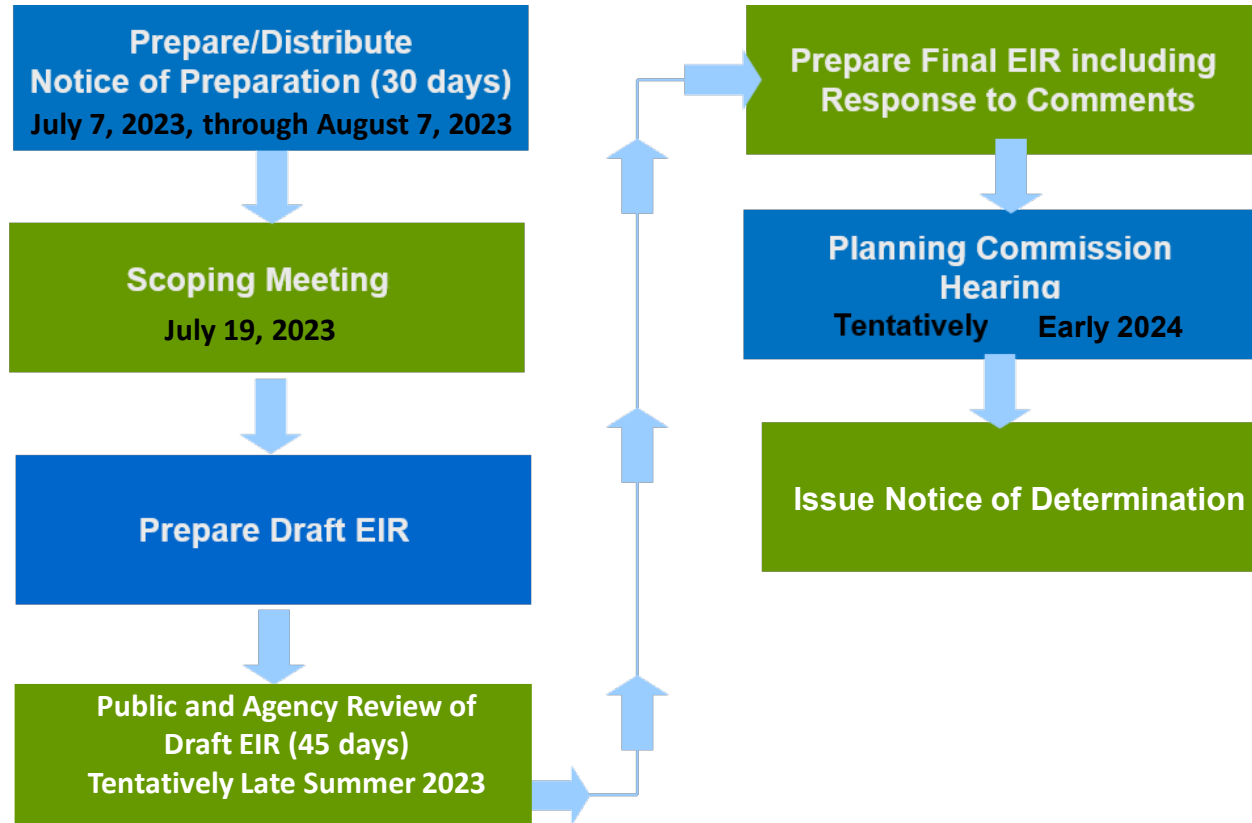


What Does CEQA Require?

- Comparison of existing environmental conditions to future conditions with implementation of the proposed project.
- Mitigation of Significant Impacts
- Alternatives to the Proposed Project
- Environmental Impacts:
 - Indirect and Direct
 - Short-term (e.g., construction)
 - Long-term (e.g., operations)
 - Cumulative
 - Growth-inducing
 - Unavoidable



EIR Process





Public Comment and Opportunities to Comment

- You are encouraged to provide comment through the public scoping meeting this evening or in writing in response to the NOP.
- Please limit comments to environmental issues to be analyzed in the EIR.
- Notice of Preparation (NOP) Comment Period will end on Monday, August 7, 2023, at close of business (5:00 PM).



Public Comment and Opportunities to Comment

- 30-Day Notice of Preparation
- Scoping Meeting (this evening)
- During the 45-day Draft EIR Public Comment Period
- Planning Commission Public Hearing



Public Comment and Opportunities to Comment

Please submit written comments (or e-mails) by **Monday, August 7, 2023**, to:

George Velarde, Assistant Planner
City of Fontana Planning Department
8353 Sierra Avenue
Fontana, CA 92335
gvelarde@fontanaca.gov

Comments must include name, address, e-mail, or contact number.



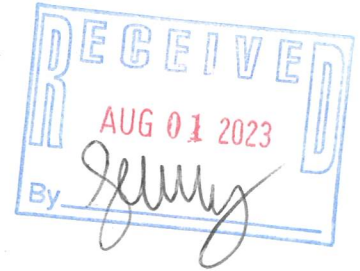
Public Comments



NATIVE AMERICAN HERITAGE COMMISSION

July 20, 2023

George Velarde
City of Fontana
8353 Sierra Ave.
Fontana, CA 92335



ACTING CHAIRPERSON
Reginald Pagaling
Chumash

Re: 2023070065, Cherry Commerce Center, San Bernardino County

SECRETARY
Sara Dutschke
Miwok

Dear Mr. Velarde:

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Vacant

COMMISSIONER
Vacant

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Cameron.Vela@nahc.ca.gov

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

August 4, 2023

gvelarde@fontanaca.gov

George Velarde, Assistant Planner
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Notice of Preparation of a Draft Environmental Impact Report for the Cherry Commerce Center (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁶. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 511 in one million⁷. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,⁸ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,⁹ and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹⁰

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at:

<http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁷ South Coast AQMD. MATES V Data Visualization Tool. Accessed at:

[MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

⁸ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

⁹ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at:

https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹¹ and the Heavy-Duty Low NOx Omnibus Regulation¹², ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹³ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

¹¹ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹² CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹³ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO_x) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of 702,000 square feet warehouses, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁴. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁵.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at sghadimi@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

¹⁴ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

SW:SG
SBC230712-08
Control Number



08/07/2023

VIA EMAIL ONLY

George Velarde, Assistant Planner
City of Fontana, Planning Department
8353 Sierra Avenue, Fontana, CA 92335
Email: gvelarde@fontanaca.gov

RE: NOP Comments for Cherry Commerce Center Project

Dear Mr. Velarde,

The comments are submitted on behalf of Californians Allied for a Responsible Economy ("CARE CA") regarding the Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("DEIR") for the Cherry Commerce Center Project ("the Project"). CARE CA understands that the proposed Project consists of two logistical warehouse buildings totaling approximately 702,000 square feet (sf), of which 16,000 sf would be office space.

The goal of an EIR is to provide decisionmakers and the public with detailed information about the effects of a proposed project on the environment, how significant impacts will be minimized and alternatives to the project (Pub. Res. Code § 21002.2). We, therefore, respectfully request a complete analysis of all identified impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives. In addition, we wish to provide the following comments:

- i) The DEIR should provide details of any and all proposed future uses of the Project, clearly articulated and quantified. If planned operations are unknown, the DEIR must consider all reasonably foreseeable uses including higher intensity uses such as cold storage and subsequent potential use of transportation refrigeration units (TRUs) during Project operations. Ideally, the DEIR should study a combination of the five primary logistics-type uses at the site, including providing justification and square footage assumed for each use analyzed to ensure that the unique impacts of each use (i.e., both truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects) are comprehensively evaluated.
- ii) Children learning and playing across the street from the Project site and people living nearby would face environmental impacts from the cumulative effects of the Project and other

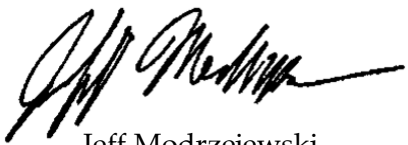
surrounding industrial developments in the area. The EIR must analyze and mitigate this cumulative impact.

iii) The DEIR must fully disclose and analyze the Project's potential impacts to air quality and adopt best practices to mitigate them. Ideally, the air quality analysis should be based on actual emissions data from existing similar sized warehouse projects rather than computer generated estimates. In addition, the analysis must include a mobile source Health Risk Assessment that comprises both construction and operational diesel PM emissions and cancer risk assessment, and also accounts for other emission sources such as backup generators, and forklifts. In addition, estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health.

iv) For the Project's GHG emissions analysis, the DEIR can use robust thresholds such as Earthjustice group's net zero emission model. Using such a model will enable the City to require effective measures that reduce GHGs or even achieve net zero emissions. In addition, the DEIR must include a detailed discussion on the Applicant's plan to offset the Project's GHG emissions. Any measures to address climate change threats must be considered. After all, it should be all about the letter and spirit of the law!

CARE CA appreciates your consideration of the comments provided in this letter. We urge the City to take this opportunity to protect the environment and the community to the maximum extent feasible. We look forward to reviewing and commenting on subsequent environmental review documents when these documents are released for public review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Modrzejewski', with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director

August 7, 2023

City of Fontana
George Velarde - Assistant Planner
8353 Sierra Avenue
Fontana, CA 92335
Submitted via email gvelarde@fontanca.gov.

Re: Cherry Commerce Center Project Notice of Preparation

Dear George Velarde,

I am writing on behalf of the Center for Community Action and Environmental Justice to respond to the Notice of Preparation which was made available for the proposed Cherry Commerce Center Project. Based on the information provided, the Project appears to be directly adjacent Henry J. Kaiser High School, threatening to hem it in with a wall of concrete. We would like to ensure that the preparation of the Environmental Impact Report includes study of how to ensure that this Project would not be a detriment to the health of the students at Kaiser High, particularly from truck traffic serving it. Based on the proposed size, it is likely to generate hundreds of daily truck trips which without proper care and planning will result in unacceptable levels of pollution being sent into the lungs of the students. It is imperative that the EIR identify how the Project would avoid becoming a health hazard for students and nearby residents.

Sincerely,

Marven E. Norman, MPA | Policy Coordinator
Center for Community Action and Environmental Justice



CCA EJ