

CITY OF FONTANA

I-15 LOGISTICS

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2018011008

Lead Agency:

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

Preparer:

Michael Baker

I N T E R N A T I O N A L

3536 CONCOURS STREET, #100
ONTARIO CA, 91764
CONTACT: PETER MINEGAR
JN 161657

May 14, 2020

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Section 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 I-15 Logistics Project Draft EIR (Draft EIR) (State Clearinghouse No. 2018011008).

The Draft EIR for the proposed I-15 Logistics Project (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 13, 2019 and concluded on September 27, 2019.

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

None of the corrections, additions, 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.

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Section 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 EIR for the 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 cross-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 and Utilities		
1	Scott Morgan, Director Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	October 7, 2019
2	Kristofer J. Olson, P.E., Chief Engineer San Gabriel Valley Water Company	August 23, 2019
3	Lijin Sun, J.D., Program Supervisor, CEQA IGR South Coast Air Quality Management District	September 24, 2019
4	Michael R. Perry, Supervising Planner, Environmental Management San Bernardino County Department of Public Works	September 25, 2019
5	Richard Boyd, Chief, Risk Reduction Branch – Transportation and Toxics Division California Air Resources Board	September 26, 2019
6	Samuel Martinez, Executive Officer Local Agency Formation Commission for San Bernardino County	September 26, 2019
7	Robert Swanson, Deputy Attorney General Meredith Hankins, Deputy Attorney General State of California Department of Justice	September 27, 2019
Organizations		
8	Board of Directors Golden State Environmental Justice Alliance	September 25, 2019
9	Ileene Anderson, Senior Scientist Center for Biological Diversity	September 27, 2019
10	Nick Jensen, PhD, Southern California Conservation Analyst California Native Plant Society	September 27, 2019
Individuals		
11	Lani R. Gusman	September 27, 2019
Oral Comments¹		
12	Various	September 17, 2019
Note:		
1. Oral comments on the Proposed Project were received from the Planning Commission and the public during the City of Fontana's Regular Planning Commission Hearing held on September 17, 2019.		



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

October 7, 2019

DiTanyon Johnson
Fontana, City of
8353 Sierra Avenue
Fontana, CA 92335

Subject: I-15 Logistics Project
SCH#: 2018011008

Dear DiTanyon Johnson:

The comment (s) on your EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on 9/26/2019. **Please check the CEQA database for these comments:** <https://ceqanet.opr.ca.gov/2018011008/2> because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2018011008) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

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1
}

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

RESPONSE NO. 1

Scott Morgan, Director, State Clearinghouse
Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
October 7, 2019

- 1-1 The commenter indicates that State Agency comments were received by the State Clearinghouse after the end of the Project's public review period, which closed on September 26, 2019. This letter also refers to the State Clearinghouse CEQA database to retrieve State Agency Comments. One State Agency letter was retrieved from the State Clearinghouse CEQA database and is included herein as Comment Letter 5. The comment does not provide specific comments regarding information presented in the Draft EIR and no further response is necessary.

SAN GABRIEL VALLEY WATER COMPANY

August 23, 2019

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

Subject: Notice of Availability
Draft Environmental Impact Report
I-15 Logistics Project
Master Case No. 17-021
Fontana, California

Dear Mr. Johnson:

This letter is to certify that San Gabriel Valley Water Company's Fontana Water Company division ("Fontana Water Company") is a public utility regulated by the California Public Utilities Commission ("Commission") and supplies potable water within its certificated boundaries in accordance with adopted tariff schedules and rules filed with the Commission.

1

The subject project is outside Fontana Water Company's certificated boundaries but within close proximity to important production and transmission facilities that must be protected and preserved. Fontana Water Company operates three water production wells and associated pipelines north of I-15 and east of Lytle Creek Road and has pipelines within Sierra Avenue.

2

If you have any questions, please contact me at kjolsen@sgvwater.com or (909)201-7375.

Very truly yours,

Kristofer J. Olsen, P.E.
Chief Engineer

KJO:ms

ENGINEERING DEPARTMENT
15966 ARROW ROUTE • FONTANA, CALIFORNIA 92335 • (909) 201-7375 • Fax (909) 201-7377



**NOTICE OF PUBLIC HEARING AND
NOTICE OF AVAILABILITY OF A
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

**SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE
COMUNICARSE AL (909) 350-6728.**

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA TO RECEIVE COMMENTS (NO FORMAL ACTION WILL BE TAKEN) ON THE FOLLOWING PROJECT:

Master Case No. 17-021; General Plan Amendment (GPA) No 17-001; GPA No. 15-005; Zone Change (ZCA) No. 16-013; ZCA No. 15-009; Design Review No. 16-003; Conditional Use Permit No. 16-029; and Tentative Parcel Map (TPM) No. 19712; Development Agreement No. 16-001; and Annexation (ANX) No. 16-001

The I-15 Logistics Project (Project) is a proposed logistics facility located in unincorporated San Bernardino County just northwest of Interstate 15 (I-15), west of Sierra Avenue, along the south side of Lytle Creek Road, and in the northern portion of the City of Fontana's Sphere of Influence (SOI).

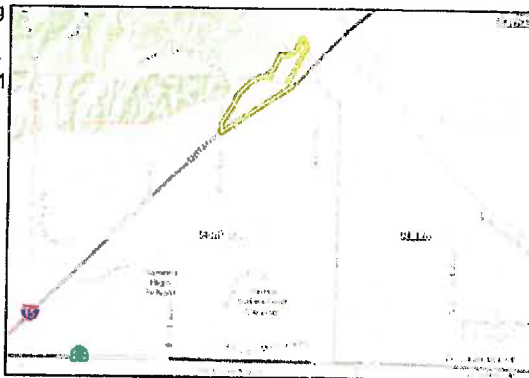
The proposed Project involves the development of a logistics facility, the realignment of Lytle Creek road, and the annexation of these and additional areas into the City of Fontana. The total annexation area would be 152 acres. The Project involves a sphere of influence expansion for the City of Fontana, the Fontana Fire Protection District and the West Valley Water District; pre-zoning and pre-designation of land uses consistent with City standards; and annexation into the Fontana Fire Protection District, the West Valley Municipal Water District, and the San Bernardino Valley Municipal Water District service areas. The proposed logistics facility would be approximately 1,175,720 square feet, including offices spaces and other associated amenities, on 76 acres.

Environmental Determination:

This Project has been determined to have a significant effect on the environment and a Draft Environmental Impact Report (DEIR) (SCH No. 2018011008) has been prepared pursuant to Sections 15080 to 15097 of the California Environmental Quality Act (CEQA).

Location of Property:

The site occupies 21 parcels, including Accessors's Parcel Numbers (APN's) 0239-041-02, -15, -17, -18; 0239-071-08, -18, -20, -25, -27, -31; 0239-081-01 -39; 0239-091-13, -14; 0239-092-06, -07, -08; 0239-093-06, -07, and -08.



Date of Hearing:

September 17, 2019

Place of Hearing:

City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

Time of Hearing:

6:00 P.M.

Project Impacts: The DEIR evaluates the proposed Project's potential individual- and cumulative-level environmental impacts on the following resource areas: 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, utilities, and wildfire.

RESPONSE NO. 2

Kristofer J. Olson, P.E., Chief Engineer
San Gabriel Valley Water Company
August 23, 2019

- 2-1 This comment provides a general introduction to the San Gabriel Valley Water Company's Fontana Water Company ("Fontana Water Company") division. Responses to specific comments are provided below.
- 2-2 This comment acknowledges that the Project site is outside the Fontana Water Company's certificated boundaries but is within close proximity to important production and transmission facilities that must be protected and preserved. The Project will not impact these facilities. 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. 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.) Nevertheless, the City of Fontana will consider this information during Project deliberations.



South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

DJohnson@fontana.org

DiTanyon Johnson, Senior Planner
Community Development – Planning Division
City of Fontana
9353 Sierra Avenue
Fontana, CA 92335

September 24, 2019

Draft Environmental Impact Report (Draft EIR) for the Proposed Interstate 15 (I-15) Logistics Center Project (SCH No.: 2018011008)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 1,175,720-square-foot warehouse and realign Lytle Creek Road on 76 acres (Proposed Project). The Proposed Project also includes annexation of 152 acres of the County of San Bernardino into the City of Fontana. The Proposed Project is located on the southeast corner of Lytle Creek Road and Sierra Avenue. Construction is anticipated to begin in the first half of 2020, and the Proposed Project is anticipated to be fully operational by 2021¹. During operation, the Proposed Project is expected to generate 634 truck trips per day².

South Coast AQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's regional construction air quality impacts would be less than significant, after the implementation of Mitigation Measures (MMs) AQ-1. MM AQ-1 requires the construction contractor to implement dust control measures. The Lead Agency also found that the Proposed Project's operational air quality impacts would be significant and unavoidable for NO_x at 147 lbs/day³, after the implementation of MM-AQ-2 through MM-AQ-4⁴. MM-AQ-2 through MM-AQ-4 require the facility to have idling limitation signs posted on-site; the project applicant to provide information to the tenants on clean technology funding opportunities; and install two on-site electric vehicle charging stations⁵. The Lead Agency also prepared a Mobile Source Health Risk Assessment (HRA) analysis and found that operation of the Proposed Project would result in a cancer risk of 6.48 in one million, averaged over 30 years, and 7.63 in a million, averaged over 70 years⁶, which would be below South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk⁷.

¹ Draft EIR, Section 3.0, *Air Quality*, Page 3.0-10.

² *Ibid.* Section 4.13, *Transportation*, Page 4.13-13.

³ *Ibid.*

⁴ *Ibid.* Page 4.2-16.

⁵ *Ibid.* Section 1, *Executive Summary*, Page 1.0-5 and 1.0-6.

⁶ *Ibid.* Appendix B, *Air Quality Impact Analysis, Health Risk Assessment, Green House Gas Emissions Report*, Table 2, *Maximum Operational Cancer Risk at Project Vicinity Residences*, Page 24.

⁷ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

DiTanyon Johnson

September 24, 2019

South Coast AQMD's 2016 Air Quality Management Plan

On March 3, 2017, the South Coast AQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁸, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

2

South Coast AQMD Staff's General Comments

South Coast AQMD staff has comments on the Air Quality Analysis. South Coast AQMD staff found an inconsistency between the proposed construction schedule discussed in the Draft EIR and the construction schedule used to calculate emissions that may have likely underestimated the Proposed Project's construction emissions. Additionally, the Lead Agency used multiple air dispersion model input parameters that may have led to an underestimation of the cancer risk resulting from operation of the Proposed Project. Please see attachment for more information.

3

As described in the 2016 AQMP, achieving NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. South Coast AQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. With the implementation of MM-AQ-1 through MM-AQ-4, the Proposed Project would result in 86 lbs/day⁹ of NOx emissions during construction and 147 lbs/day¹⁰ of NOx emissions during operation. Therefore, the Proposed Project plays an important role in contributing towards the Basin's NOx emissions. To further reduce those emissions, particularly operational NOx emissions, South Coast AQMD staff recommends that the Lead Agency incorporate additional mitigation measures in the Final EIR. Please see the attachment for more information. The attachment also includes recommendations to include discussions of South Coast AQMD rules that may be applicable to the Proposed Project in the Final EIR.

4

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended revisions to MM-AQ-1 and additional mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

5

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

⁸ South Coast AQMD. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

⁹ Draft EIR. Section 4.2 Air Quality. Page 4.2-14.

¹⁰ *Ibid.* Page 4.2-16.

DiTanyon Johnson

September 24, 2019

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:RD
SBC190813-06
Control Number

ATTACHMENT

Construction Air Quality Impact Analysis

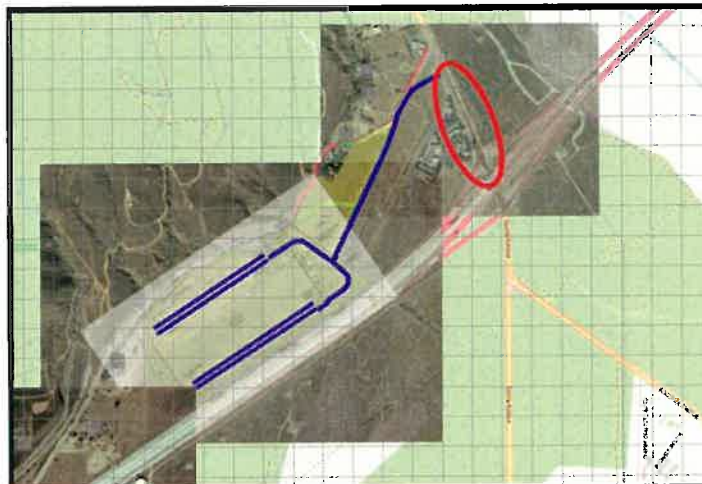
1. In the Draft EIR, the Lead Agency identifies that construction of the Proposed Project would occur over a 12-month period. However, the CalEEMod output file shows that the construction schedule was estimated to be 24 months. Calculating emissions using a longer construction duration may have likely underestimated the daily activity level and the maximum emissions that could occur in a day. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the construction schedule in CalEEMod to occur within a 12-month period and re-calculate construction emissions. Alternatively, the Lead Agency may include a project design feature, condition of approval, or mitigation measure to restrict the daily construction activity to not exceed the activity level used to estimate construction emissions in the Final EIR. In the event that the Lead Agency finds, after the revisions, that the Proposed Project's construction emissions would exceed South Coast AQMD's recommended air quality CEQA significance thresholds for construction, feasible mitigation measures are required (CEQA Guidelines Section 15126.4). Please see Comment No. 4 below for potential mitigation measures that would reduce construction emissions from the Proposed Project.

6

Dispersion Modeling and Health Risk Calculation

2. The Lead Agency used AERMOD to model the dispersion of the Proposed Project's emissions and perform a health risk assessment (HRA). In AERMOD, the Lead Agency modeled the dispersion of diesel particulate matter (DPM) emissions from heavy-duty trucks entering and exiting the Proposed Project, onsite travel, and trucks idling at the proposed dock doors. As illustrated in Figure 1, trucks entering and exiting the Proposed Project were modeled as a line-volume source from the Proposed Project's boundary to Sierra Avenue. However, it is recommended that mobile source emissions resulting from heavy-duty trucks visiting the Proposed Project be modeled to the nearest freeway on-/off-ramp. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the air dispersion modeling to account for trucks traveling to and from the nearest freeway, in this case Interstate 15 (circled in red in Figure 1).

Figure 1: South Coast AQMD Staff's Screenshot of Proposed Project's Line-Volume Truck Emission Sources in AERMOD



Note: The Air Dispersion modeling files were provided to South Coast AQMD staff for review on September 12, 2019. Screenshot captured on September 24, 2019.

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DiTanyon Johnson

September 24, 2019

3. The Lead Agency used the Hotspots Analysis and Reporting Program 2 (HARP2) software to calculate the Proposed Project's cancer risk. When calculating cancer risk in HARP2, users can select among multiple exposure pathways. Here, the Lead Agency only selected the inhalation exposure pathway. South Coast AQMD staff recommends selecting the option "SCAQMD mandatory minimum pathways" to include additional exposure pathways for soil ingestion, mother's milk, homegrown produce, and dermal exposure to calculate the Proposed Project's cancer risk or provide a rationale to justify why other exposure pathways were not selected in the Final EIR.

8

Recommended Air Quality Mitigation Measures – Construction Air Quality Impacts

4. In the event that the Lead Agency finds, after revisions to the air quality analysis based on Comment No. 1, that the Proposed Project would result in significant adverse air quality impacts during construction, mitigation measures will be required (CEQA Guidelines Section 15126.4). South Coast AQMD staff has identified the following air quality mitigation measures during construction that the Lead Agency should review and incorporate in the Final EIR.
- a. Require the use of off-road diesel-powered construction equipment that meets or exceeds the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions¹¹. A list of CARB verified DPFs are available on the CARB website¹².

To ensure that Tier 4 Final construction equipment or better would be used during the Proposed Project's construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

9

In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or Tier 3 emission standards that the Lead Agency has already included in the air quality modeling, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting construction phases occurring simultaneously with the remediation activities.

- b. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet the California Air Resources Board's (CARB) adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction

¹¹ CARB. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

¹² *Ibid*. Page 18.

DiTanyon Johnson

September 24, 2019

commit to using 2010 model year¹³ or newer engines that meet CARB’s 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require that contractor(s) maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during construction meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

- c. Limit the daily number of construction haul truck trips allowed at the Proposed Project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the Proposed Project, the Lead Agency should commit to re-evaluating the Proposed Project through a CEQA process prior to allowing the higher activity level.
- d. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer’s recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.
- e. Encourage construction contractors to apply for South Coast AQMD “SOON” funds. The “SOON” program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD’s website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

9

Recommended Mitigation Measures – Operational Air Quality Impacts

5. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse impacts. After the implementation of MM AQ-2 through MM AQ-4, the Proposed Project’s operational NOx emissions would remain significant and unavoidable (147 lbs/day). To further reduce those emissions and to facilitate the achievement of goals and attainment timelines outlined in the 2016 AQMP, South Coast AQMD staff recommends that the Lead Agency incorporate the following operational mitigation measures in the Final EIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD’s CEQA Air Quality Handbook website¹⁴.

- Require the use of zero emission (ZE) or near-zero emission (NZE) heavy-duty trucks during operation, such as trucks with natural gas engines that meet CARB’s adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during operation commit to using 2010 model year¹⁵ or newer engines that meet CARB’s 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM)

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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>.

¹⁴ South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

¹⁵ CARB adopted the statewide On-Road 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 Regulations is available here: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

DiTanyon Johnson

September 24, 2019

and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for ZE trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.

To monitor and ensure ZE, NZE, or 2010 model year trucks are used at the Proposed Project, the Lead Agency should require that operators maintain records of all trucks associated with the Proposed Project's operation, and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during operation meets the minimum 2010 model year engine emission standards. Alternatively, the Lead Agency should require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable.

- Design the Proposed Project such that the dock doors are located as far away as feasible from the residences located north and south of the Proposed Project. This could minimize the exposure of sensitive receptors to DPM from trucks entering/exiting and idling at the Proposed Project.
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors (e.g., residences), where feasible.
- Design the Proposed Project such that entrances and exits are such that trucks are not traversing past residences, and other sensitive receptors near the Proposed Project.
- Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility and ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to the sensitive receptors (e.g., residences).
- Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the Final EIR (e.g., 634 daily truck trips). If higher daily truck volumes are anticipated during operation than what was analyzed in the certified Final EIR, the Lead Agency should commit to re-evaluating the Proposed Project's air quality and health risks impacts through a CEQA process prior to allowing higher activity levels (CEQA Guidelines Section 15162).
- Require trucks to use the truck routes that were used to analyze the air quality and HRA impacts in the Final EIR.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas that are adjacent to portions of the designated truck routes analyzed in the Final EIR.
- Restrict overnight truck parking in residential areas. Establish parking within the Proposed Project where trucks can rest overnight.
- Establish area(s) within the Proposed Project site for repair needs and ensure that these designated areas are away from any sensitive land uses.

Responsible Agency Permits, and Compliance with South Coast AQMD Rules

Implementation of the Proposed Project may require permits from South Coast AQMD. If operation of the Proposed Project will involve the use of stationary diesel-fueled internal combustion or compression engines (i.e., generators or firefighting equipment), South Coast AQMD Rule 1470 – Requirement for Stationary Diesel-

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10
↓
11

DiTanyon Johnson

September 24, 2019

Fueled Internal Combustion and Other Compression Ignition Engines¹⁶ and South Coast AQMD Rule Series 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters¹⁷, including Rule 1146.1 – Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters¹⁸ and Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters¹⁹ would apply and should be discussed in the Air Quality Section of the Final EIR. Additionally, in the event that the use of three or more Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines rated at greater than 50 brake horsepower (>50 bhp) is reasonably foreseeable, the Lead Agency should include a discussion on South Coast AQMD Rule 1472 – Requirement for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion²⁰. Therefore, South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering staff as early as feasible to determine permit requirements and any applicable rules and regulations that should be discussed in the CEQA document for the Proposed Project. Additionally, in the event that the Proposed Project will use new stationary equipment that requires a permit from South Coast AQMD, the Lead Agency should identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Questions on permits and applicable South Coast AQMD rules can be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

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¹⁶ South Coast AQMD. Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

¹⁷ South Coast AQMD. Rule 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146.pdf>.

¹⁸ South Coast AQMD. Rule 1146.1 – Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146-1.pdf>.

¹⁹ South Coast AQMD. Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146-2.pdf>.

²⁰ South Coast AQMD. Rule 1472 – Requirements for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1472.pdf>.

RESPONSE NO. 3

Lijin Sun, J.D., Program Supervisor, CEQA IGR
South Coast Air Quality Management District
September 24, 2019

- 3-1 This comment provides background information regarding South Coast Air Quality Management District (SCAQMD) and provides a general summary of the Proposed Project and the Draft EIR's air quality analysis. 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. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on significant environmental issues.)
- 3-2 This comment summarizes SCAQMD's *2016 Air Quality Management Plan (2016 AQMP)*. Responses to specific comments are provided below.
- 3-3 The commenter states that there is an inconsistency between the proposed construction schedule identified in the Draft EIR and the construction schedule used to calculate emissions. As noted in Draft EIR Section 3.1.7, *Logistics Facility Project*, the logistics facility would be developed in a single phase, with construction taking approximately 12 months. The construction schedule has been updated to occur from January 2021 to January 2022. Additionally, the applicant has determined that the amount of soil export necessary for construction of the Project would be reduced to approximately 5,000 cubic yards. The emissions associated with the revised construction schedule, including truck trips associated with soil export, have been updated on page 4.2-14 and page 4.2-21 of the Draft EIR and are reflected below, and in Section 3.0, *Errata*, and Appendix B, *I-15 Logistics Center Alternative – Air Quality Technical Memorandum*, of the Final EIR. The multiple air dispersion model input parameters have been revised to avoid an underestimation of the cancer risk resulting from the operation of the Project. Refer to Response to Comment 3-7 and Comment 3-8, below.

Page 4.2-14, Section 4.2, Air Quality

Construction results in the temporary generation of emissions ensuing from site grading and excavation, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water. Construction-related emissions are expected from site preparation, grading, building construction, paving, architectural coatings, and construction workers commuting. Grading of the Project site would involve exporting ~~24,900~~ 5,000 cubic yards of soil off-site. Architectural coatings (i.e., painting) would occur sporadically throughout the building phase, as needed.

The estimated maximum daily construction emissions are summarized in **Table 4.2-5, Construction-Related Emissions**. As previously stated, all construction projects in the South Coast Air Basin are subject to the SCAQMD rules and regulations in effect at the time of construction, including Rule 403 described above. The construction emissions

summarized in **Table 4.2-5** account for the quantifiable PM-reducing requirements of SCAQMD Rule 403. Please refer to specific detailed modeling inputs/outputs, including construction equipment assumptions, in Appendix B.

Table 4.2-5: Construction-Related Emissions

Construction Activities	Maximum Emissions (pounds per day) ¹					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO _x)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)
Year 1 (2019-2021)	52.60 <u>70.56</u>	85.56 <u>93.70</u>	45.88 <u>14.87</u>	6.72 <u>5.94</u>	100.2 <u>97.47</u>	0.29 <u>0.30</u>
Year 2 (2020-2022)	51.49 <u>66.64</u>	78.15 <u>60.44</u>	45.52 <u>13.18</u>	5.72 <u>4.52</u>	93.15 <u>69.97</u>	0.29 <u>0.25</u>
SCAQMD Thresholds	75	100	150	55	550	150
Exceed Threshold?	No	No	No	No	No	No

Source: Michael Baker International 2018-2020; see Appendix B of Final EIR

Notes:

1. Emissions calculated using CalEEMod version 2016.3.2. Emission estimates account for the quantifiable PM-reducing requirements of SCAQMD Rule 403, including watering exposed surfaces three times daily; cleaning trackout on adjacent streets; covering stock piles with tarps; watering all haul roads twice daily; and limiting speeds on unpaved roads to 15 miles per hour. Architectural coatings are assumed to be applied sporadically throughout the duration of building construction.

Page 4.2-21, Table 4.2-9, Localized Significance of Emissions for Construction

Table 4.2-9: Localized Significance of Emissions for Construction

USF EIR Agency Central/South Bernardino Valley	Projections (pounds per day)			
	Nitrogen Oxide (NO _x)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)
Maximum Daily Emissions (on-site)	54.52 <u>87.26</u>	6.29 <u>8.74</u>	3.84 <u>5.56</u>	33.38 <u>57.06</u>
SCAQMD Localized Threshold (25 meters)	270	14	8	1,746
SCAQMD Localized Threshold (50 Meters)	302	44	10	2,396
Significant?	No	No	No	No

Source: CalEEMod version 2016.3.2

Notes: Emissions projections account for adherence to various components of SCAQMD Rule 403, including application of water on the Project site, employment of wheel washing systems, sweeping adjacent streets daily, and reestablishing vegetation on inactive portions of the site.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 3-4 The commenter notes that the Proposed Project plays an important role in contributing to the South Coast Air Basin’s (Basin) nitrogen oxide (NO_x) emissions and recommends the incorporation of additional mitigation measures into the Final EIR. The commenter includes a list of potential

- additional mitigation measures in later comments. Responses related to the mitigation measures recommended by the commenter are included in Response to Comments 3-6 through 3-11.
- 3-5 The commenter requests written responses to all comments regarding the Draft EIR prior to consideration of the Final EIR's adoption. Responses to all comments will be provided to the commenters prior to the decisionmakers' consideration of the Project. The commenter also states that when mitigation measures are recommended to a lead agency, a rationale as to why the measures are being rejected shall be provided pursuant to CEQA Guidelines Section 15091. Responses to the provided mitigation measures are provided in Response to Response to Comments 3-6 through 3-11 below and these responses are consistent with CEQA's requirements.
- 3-6 The commenter notes an error in the construction duration utilized in the Air Quality Impact analysis. As discussed in Response to Comment 3-3, the identified inconsistency has been resolved. No new exceedances of SCAQMD's recommended air quality CEQA significance thresholds for construction will occur as a result of the change in construction duration. See revisions to page 4.2-14 and page 4.2-21 of the Draft EIR reflected above and in Section 3.0 of the Final EIR
- 3-7 The commenter requests that the dispersion modeling and health risk assessment modeling be updated to include air dispersion modeling to and from the nearest freeway. The air dispersion modeling and health risk assessment (HRA) has been revised to include a line-volume source along Sierra Avenue to the nearest Interstate 15 (I-15) on-/off ramp. This addition allows the modeling to account for trucks traveling to and from the nearest freeway, I-15 in this case. This change is reflected in *I-15 Logistics Center Alternative – Health Risk Assessment Technical Memo* (HRA Memo), prepared by Michael Baker International, dated March 25, 2020; refer to Section 3.0. As concluded on Page 7 of the *I-15 Logistics Center Alternative – Health Risk Assessment Technical Memo* (HRA Memo) non-carcinogenic hazards resulting from the Proposed Project are calculated to be within acceptable limits; refer to Appendix B, of the Final EIR. Additionally, impacts related to cancer risk and PM₁₀ concentrations from warehouse operations would be less than significant at the nearest residential receptors and for workers. Therefore, impacts related to health risk from warehouse operations would be less than significant.
- 3-8 The commenter requested that the health risk assessment modeling be updated to include the "SCAQMD mandatory minimum pathways". The "SCAQMD mandatory minimum pathways" have been selected and analyzed in the revised HRA Memo; refer to Section 3.0. The Hot Spot Analysis and Report Program (HARP2) Air Dispersion Modeling & Risk Tool (ADMRT) outputs, which includes selecting the "SCAQMD mandatory minimum pathways" and the cancer, chronic, and acute risk for these pathways, are available in Attachment A, *Dispersion Modeling Data*, of the HRA Memo. As described in Response 3-7, impacts related to health risk from warehouse operations would be less than significant.
- 3-9 The commenter provides a list of suggested mitigation measures to reduce the Proposed Project's potentially significant air quality emissions during construction activities. The Final EIR concludes that the Project's total construction emissions for all criteria pollutants would be below the SCAQMD significance thresholds with implementation of Mitigation Measure AQ-1 and, thus, less than significant. Therefore, additional mitigation measures, including those suggested by the commenter, are unnecessary.
- 3-10 The commenter provides a list of suggested mitigation measures to reduce the Proposed Project's significant air quality emissions during operations and facilitate the achievement of goals and

attainment timelines outlined in the 2016 AQMP. As reflected in Section 3.0, Errata, and Appendix B of the Final EIR, the combination of updated emissions modeling and implementation of air quality mitigation measures has reduced the Project's operational NOx emissions by approximately 34.5%, from 147 lbs/day to 96.3 lbs/day. 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 trucks with particular emission profiles (e.g., ZE, NZE, or 2010+ model year trucks) to visit the Project.

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 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.

With respect to other mitigation measures suggested by the commenter, these suggestions are also infeasible. The commenter proposes redesigning the Project to relocate the dock doors away from residences. However, the majority of the dock doors are already proposed to be located on the side of the logistics facility facing I-15. Redesigning the project so that all dock doors would be on that side and as far away as possible from sensitive receptors would result in a very long building that would not fit within the Project site. Additionally, this configuration would compromise the Project's performance due to the additional time and expense associated with moving product. Consequently, it is not feasible to locate the Project's dock doors further from residences, as suggested by the commenter.

The commenter also suggests redesigning the Project to create a 300 meter buffer between the Project and sensitive receptors. As shown in Table 4.2-7 on page 4.2-19 of the Draft EIR, there are only seven sensitive receptors within 300 meters of the logistics facility, which are all existing residences. The Project has been designed to be located as far from existing residences as allowed for by Project site characteristics. Accordingly, it is not feasible to create any additional buffer zone.

The commenter also suggests redesigning the Project to limit truck traffic near residences. Truck access to the logistics facility would be limited to Lytle Creek Road from Sierra Avenue; no truck access would be permitted along the southern segment of Lytle Creek Road. With the realignment of Lytle Creek Road, truck traffic from the Project would be located a minimum of 325 feet from the nearest residential use. Moreover, given the Project Area's convenient access to I-15, truck travel on local streets would be minimal. Therefore, the Project has been designed to limit truck traffic near residences to the maximum extent feasible.

The commenter also suggests redesigning the Project to locate truck check-in points inside the Project site. As shown on revised Exhibit 3.0-10, Conceptual Site Plan, included in the Final EIR, check-in points would be located adjacent to the logistics facility dock doors, well within the Project site. It is not feasible to locate the check-in points further from the site boundary.

The commenter also suggests limiting daily truck trips to the Project. The Draft EIR forecast the number of Project generated vehicle trips using *Institute of Transportation Engineers (ITE) 10th Edition Trip Generation Manual* trip generation rates, with the breakdown by vehicle type (passenger car, 2-axle trucks, 3-axle trucks, and 4+axle trucks) according to the South Coast AQMD. The assumed 31 percent of truck trips and 69 percent of passenger car trips is based on *ITE's High-Cube Warehouse Vehicle Trip Generation Analysis*. Accordingly, the Project's average daily truck traffic has been modelled appropriately. However, setting a daily limit on truck trips would be infeasible due to expected day-to-day variations.

The commenter also suggests requiring specific, marked truck routes. As noted above, no truck access would be permitted along the southern segment of Lytle Creek Road. Truck access would be limited to Lytle Creek Road from Sierra Avenue, with convenient access to I-15. Truck traffic is not expected to deviate from what has been analyzed.

The commenter also suggests restricting overnight truck parking. The Project includes sufficient truck parking to accommodate the overnight parking need. Therefore, truck parking in residential

areas is not anticipated to occur. In addition, Fontana City Code Section 17-162 prohibits the parking of oversized vehicles on any public street, public right-of-way or residential street for longer than four consecutive hours. Accordingly, establishing additional Project-related truck parking restrictions would be unnecessary.

Finally, the commenter suggests providing repair services within the Project site away from sensitive land uses. In general, truck repair is not an intended component of the Project. To the extent on-site truck repairs are conducted, the Project site would accommodate these repairs as far from existing residences as allowed for by Project site characteristics. Space limitations do not allow for the designation of dedicated area for repairs.

In sum, implementation of additional mitigation measures, including those suggested by the commenter, are both unnecessary and infeasible.

- 3-11 The commenter states that SCAQMD Rule 1470 would apply to the Project if stationary diesel-fueled internal combustion or compression engines are proposed and that SCAQMD Rule Series 1146 would apply to emissions of NO_x from boilers, steam generators, and process heaters. The commenter also states that if the use of three or more stationary Emergency Standby Diesel-Fueled Internal Combustion Engines rated at greater than 50 brake horsepower is reasonably foreseeable, SCAQMD Rule 1472 would apply. However, future tenants of the Proposed Project are unknown at the time of this writing and therefore the need for these permits is speculative at this time. However, in the event the future tenants of the Proposed Project would require the use of the aforementioned stationary equipment, the City would require the applicant to comply with all applicable SCAQMD Rules.

825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.8109 Fax: 909.387.7876



Department of Public Works

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

Kevin Blakeslee, P.E.
Director

Transmitted Via Email

September 25, 2019

City of Fontana
Attn: DiTanyon Johnson, Senior Planner
Development Services Organization
Planning Division
City Hall, 8353 Sierra Avenue,
Fontana, CA 92335

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF AVAILABILITY FOR A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE I-15 LOGISTICS PROJECT

Dear Mr. Johnson:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on August 13, 2019** and pursuant to our review, the following comments are provided: 1

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

1. The northeastern most portion of the site is covered by a Flood Control District easement for Lytle Creek Wash. Any proposed work within or access to Flood Control District (Lytle Creek and Hawker Crawford Channel) right-of-way will require a Flood Control encroachment permit. The necessity for any, or all of these permits, and any impacts associated with them, should be addressed in the DEIR prior to adoption and certification. 2

Traffic Division (Eanas Shanabo, Engineering Technician IV, 909-387-1869):

1. The project is within the County of San Bernardino Regional Transportation Fee, Fontana Subarea, which must be paid prior to occupancy. If the project is approved and seeks to be operational (even temporary occupancy of any duration) without annexation to the City, it is subject to this fee at the rates established when operation is established. 3
2. That portion of the road within the County of San Bernardino jurisdiction must be reviewed for classification, alignment, and design standards by the designated County/Regional agencies. Any review fees required must be paid to those designated agencies prior to review. 4
3. The Traffic Impact Analysis is showing approximately 8,000 ADT for the new Lytle Creek Road with amended land uses. Pursuant to Article III of the County Road Planning and Design 5

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D. Johnson, City of Fontana
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Standards, roads exceeding 5,000 ADT but less than 10,000 should be classified and constructed as no less than a Controlled Limited Access Collector, NOT reduced to a Local Road. This deficiency needs to be corrected in the revised Traffic Impact Analysis.

5

4. The design structural section for road improvements are required to reflect the new land use operations and incorporated a design life of no less than 20 years.

6

5. The proposed signal outlined in Section 5.1 of the Traffic Impact Analysis is required to be reviewed by the designated County/Regional agencies and constructed to County standards. Any review fees need to be paid to those designated agencies prior to the review. This deficiency needs to be corrected in the revised Traffic Impact Analysis.

7

6. Adequate left turn storage for passenger vehicles and trucks should be accounted for on northbound Lytle Creek Rd approaching the new/realigned intersection. This may affect the actual realignment intersection location and needs to be evaluated prior to resubmittal of the Traffic Impact Analysis.

8

7. Intersection 7 is shown to contribute to an existing deficiency for opening year as well as Horizon Year. The Traffic Impact Analysis presents justification that the impacts at this intersection is considered significant and unavoidable. This argument is NOT satisfactory without written acknowledgement from Caltrans. Otherwise the deficient LOS must be mitigated to pre-project conditions at opening year and fair share mitigation must be identified and paid to County for the Horizon Year scenario. This deficiency needs to be corrected in the revised Traffic Impact Analysis.

9

8. TR-1 Mitigation Measure must include the County Traffic Planning Division's review and approval of the Construction Traffic Management Plan (TMP) if any County Maintained Roads are used for construction traffic.

10

The provided comments indicate the Traffic Impact Analysis should be revised to address the Traffic Division comments 1 through 8. Upon revision, the County of San Bernardino Traffic Division requests an opportunity to review the revised study. Should the revised Traffic Impact Analysis necessitate a significant change in the project description, and/or new or revised mitigation measures we request the DEIR be recirculated in accordance with CEQA Guidelines Section 15088.5.

10

Flood Control Planning Division (Michael Fam, PWE III, 909-387-8120):

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the City of Fontana MPD, dated June 1992. It is to be used as a guideline for drainage in the area and is available in the City of Fontana offices. Any revision to the drainage should be reviewed and approved by the City of Fontana. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the Supplemental EIR before the document is adopted by the Lead Agency.

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We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings.

D. Johnson, City of Fontana
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In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

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Sincerely,



MICHAEL R. PERRY
Supervising Planner
Environmental Management

MRP:Asr
Email: djohnson@fontana.org

RESPONSE NO. 4

Michael R. Perry, Supervising Planner, Environmental Management
San Bernardino County Department of Public Works
September 25, 2019

- 4-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 4-2 The commenter notes that the northeastern portion of the Project site is subject to a San Bernardino County Department of Public Works Flood Control District easement for Lytle Creek Wash and that any work within Flood Control District right-of-way will require an encroachment permit. The exact location of the Lytle Creek Wash easement was not specified by the commenter and thus it is unclear whether the Proposed Project would encroach upon the Public Works Flood Control District's easement for Lytle Creek Wash. However, it should be noted that the only improvements proposed within the northeastern portion of the Project site would be related to realignment of Lytle Creek Road; refer to Draft EIR Exhibit 3.0-10, Conceptual Site Plan. If it is determined through consultation with the Public Works Flood Control District that the proposed roadway improvements would be located within the referenced easement, the Project Applicant would secure applicable encroachment permits prior to Project construction. 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. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on significant environmental issues.)
- 4-3 This comment states that the Project would be subject to the County of San Bernardino Regional Transportation Fee, Fontana Subarea, if the Project becomes operational (including temporary occupancy of any duration) prior to the site's annexation into the City. This comment is noted. However, it is not reasonably foreseeable that the Project would become operational prior to annexation into the City. The proposed project is currently being entitled by the City, not the County of San Bernardino. The proposed project cannot begin construction until it is annexed into the City of Fontana. Development of the project under the County would require a separate entitlement process and evaluation by the County of San Bernardino. Therefore, the project will not be constructed, nor be operational, prior to annexation into the City of Fontana.
- 4-4 This comment states that roadways within County of San Bernardino jurisdiction would be subject to review by designated County/Regional agencies and applicable review fees. This comment is noted. The City will consider this information during Project deliberations. 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. Therefore, no further response is warranted.
- 4-5 The commenter states the Lytle Creek Road should be classified as no less than a Controlled Limited Access Collector, not a Local Road, based upon the Project's potential to generate approximately 8,000 additional daily trips (ADT) along this road and pursuant to Article III of the County Road Planning and Design Standards. It should be noted that Lytle Creek Road is classified as a Secondary Highway within the *Fontana Forward General Plan Update 2015-2035* (City of Fontana General Plan); refer to Draft EIR Section 4.13, *Transportation*, and Exhibit 9.2, *Hierarchy of Streets in Fontana*, of the City of Fontana General Plan. With the Proposed Project, the Project

- Area (including Lytle Creek Road) would be annexed into the City of Fontana under existing City of Fontana General Plan roadway classifications applicable to the Project Area. The Project would not be subject to Article III of the County Road Planning and Design Standards in this regard.
- 4-6 The commenter states that the design structural section for road improvements are required to reflect the new land use operations and incorporate a design life of no less than 20 years. As the Project Area (including Lytle Creek Road) would be annexed into the City of Fontana, improvements would be designed to City of Fontana standards. The Project would not be subject to County design structural standards or review in this regard.
- 4-7 The commenter states that the proposed signal described in Section 5.1 of the *I-15 Logistics Center Traffic Impact Analysis* (TIA) would be subject to review by the designated County/Regional agencies and constructed to County standards. As noted in Draft EIR Section 4.13, *Transportation*, the Project is proposing to construct a new traffic signal at the intersection of Sierra Avenue and Lytle Creek Road (Intersection No. 6) with the proposed realignment. As the Project Area (including Intersection No. 6) would be annexed into the City of Fontana, improvements would be designed to City of Fontana standards. The Project would not be subject to County standards or review in this regard.
- 4-8 The commenter states that adequate left turn storage for passenger vehicles and trucks should be accounted for on northbound Lytle Creek Road approaching the new/realigned intersection. The commenter explains that this could impact the intersection's actual location and needs to be evaluated prior to resubmittal of the TIA. As noted above, Intersection No. 6 would be designed to City of Fontana standards and would not be subject to County standards or review in this regard.
- 4-9 The commenter states that the significant and unavoidable impact disclosed for Sierra Avenue/I-15 Southbound Ramps (Intersection No. 7) by the TIA is not satisfactory without written acknowledgement from Caltrans. The commenter states that deficient level of service (LOS) must be mitigated to pre-Project conditions at Opening Year and fair share mitigation must be identified and paid to the County for the Horizon Year scenario. Caltrans did receive a copy of the Draft EIR during the public comment and review period; however, Caltrans did not submit comments on the Draft EIR. As noted in Draft EIR Section 4.13, this intersection is within the County and Caltrans' jurisdiction. Therefore, the City cannot require mitigation for the potential impact. It is noted that improvements to State highway facilities are planned, funded, and constructed by the State of California through a legislative and political process involving the State legislature; the California Transportation Commission (CTC); the California Business, Transportation, and Housing Agency; Caltrans; and the Regional Transportation Planning Agency (RTPA). Although potential impacts to the freeway mainline ramps have been evaluated, implementation of the transportation improvements to Caltrans facilities listed above is the primary responsibility of Caltrans. It is also noted that improvements to Intersection No. 7 would require widening along Sierra Avenue in order to reduce project impacts. However, improvements to Intersection No. 7 would be physically infeasible since Sierra Avenue is currently constrained by the I-15 overpass, which crosses Sierra Avenue immediately south of the Intersection. Any improvement requiring widening of Sierra Avenue would also require re-design of the I-15 overpass, which is physically infeasible, as it would require major improvements to the I-15 freeway to occur.

Caltrans has recognized that private development has a role to play in funding fair share improvements to impacts on these facilities, but neither Caltrans nor the State has adopted a

program that can ensure that locally contributed impact fees would be tied to improvements to freeway mainlines. Only Caltrans has jurisdiction over mainline improvements. State and Federal fuel taxes generate most of the funds used to pay for improvements. Funds expected to be available for transportation improvements are identified through a fund estimate prepared by Caltrans and adopted by the CTC. These funds, along with other fund sources, are deposited in the State highway account to be programmed and allocated to specific Project improvements by the CTC.

Further, as previously noted, Intersection #7 is within Caltrans jurisdiction and no specific improvements have been identified for this interchange by Caltrans. Mitigation of project impacts at this intersection have not been identified since they are infeasible without modifications to the interchange which would impact the Caltrans I-15 bridge structure. Since transportation improvements have not been identified, a fair share of the cost of those improvements cannot be calculated.

Since there is no guarantee that these programs would be implemented by the agencies with the responsibility to do so, and improvements to Intersection No. 7 would be physically infeasible, the Project's identified impacts to the freeway system are considered significant and unavoidable.

- 4-10 Mitigation Measure TR-1 has been revised to include the County Traffic Planning Division's review and approval of the Construction Traffic Management Plan (TMP) if any County-maintained roads are used for construction traffic. The requested clarification has been made to page 4.13-22 of the Draft EIR and is reflected below and in Section 3.0, Errata, of the Final EIR.

Page 4.13-22, Impact 4.13-1, Conflict with Applicable Roadway Plans

Mitigation Measures

- 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 be submitted for review and approval by the County of San Bernardino Traffic Division if any County-maintained roads are proposed for construction traffic. 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.
- 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, and County of San Bernardino Traffic Division, as applicable, if needed to improve safety and/or efficiency.

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

The commenter also requests that the TIA be revised to address the abovementioned comments. Refer to Response to Comments 4-3 through 4-9 above.

4-11 The commenter notes the Project is subject to the *City of Fontana Master Drainage Plan* (Master Drainage Plan), dated June 1992, and that construction of new, or alterations of existing storm drains must be analyzed and mitigated prior to adoption of the Final EIR. As discussed in Draft EIR Section 4.15, *Utilities and Services Systems*, the Project would construct storm drain improvements that would include the installation of underground collection pipes and a 3-acre on-site detention flood control/infiltration basin would be constructed on the southeast portion of the site. As concluded in Draft EIR Section 4.15, the Project's drainage features would be implemented in compliance with the provisions of the City's Master Drainage Plan and would not conflict with that plan. Therefore, it is not anticipated that the Project would require, or result in, the construction of stormwater drainage facilities or the expansion of existing facilities. A less than significant impact would occur.

- 4-12 This comment serves as the conclusion to the comment letter. Responses to specific comments are provided above; no further response is required.



Gavin Newsom, Governor
Jared Blumenfeld, CalEPA Secretary
Mary D. Nichols, Chair

September 26, 2019

DiTanyon Johnson
Senior Planner
City of Fontana
8353 Sierra Avenue
Fontana, California 92335

Dear DiTanyon Johnson:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the I-15 Logistics Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2018011008. The Project consists of the construction and operation of a 1,175,720 square-foot non-refrigerated logistics facility on approximately 76 acres of land. The Project includes the improvement of the portion of Lytle Creek Road from the western Project boundary eastward to a new intersection with Sierra Avenue. The Project area would be annexed by the City of Fontana (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes. Implementation of the Project would require a change to the existing land use designation from residential to either light industrial or residential mixed-use with a warehouse distribution/logistic overlay district.

1

Residences are located approximately 80 feet from the Project's northern boundary. In addition to residences, Kordyak Elementary School, Fitzgerald Elementary School, Falcon Ridge Elementary School, Sierra Lakes Elementary School, and Summit High School are located within two miles of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing warehouses and vehicular traffic along Interstate 15 (I-15). Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB staff is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

2

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionately impacted by air pollution from existing freight facilities and vehicular traffic along I-15.

3

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Through its authority under Health and Safety Code, section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 25 percent for Pollution Burden.¹ Therefore, CARB urges the City to ensure that the Project and land use change do not adversely impact neighboring disadvantaged communities.

4

The diesel PM emissions used to estimate cancer risks from the Project's trucks trips were from the 2014 version of CARB's Emission FACTors Model (EMFAC2014). Project-related air pollutant emissions and potential health risks from mobile sources should be modeled using the most current version of EMFAC (EMFAC2017). One of the many updates made to EMFAC2017 included an update to the model's heavy-duty emission rates and idling emission factors, which resulted in higher diesel PM emissions as compared to EMFAC2014. Since EMFAC2017 generally shows higher emissions of diesel PM from trucks than EMFAC2014, CARB staff is concerned that the Project's mobile source diesel PM and oxides of nitrogen (NO_x) emissions are underestimated in the DEIR.²

5

In addition to this, CARB staff have the following comments on the DEIR:

1. The Air Quality section of the DEIR states that the Project would result in 2,036 daily heavy-duty trucks trips, which conflicts with the Transportation Impact section estimate. The Transportation Impact section relies on the traffic impact analysis in Appendix I, which states the "proposed project is forecast to generate approximately 2,046 vehicle trips per day", of which 634 will consist of truck trips involving two, three, and four plus axle trucks, not just heavy-duty trucks. As such, the daily truck trip estimate in the Air Quality section is not consistent with those provided in the Transportation Impact section.

6

¹ Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.
² See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516 [EIR's significant effect analysis must contain enough "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (citation omitted)]

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2. According to the DEIR, 24,900 cubic yards of soil will need to be exported from the Project site during the grading phase. However, the CalEEMod outputs found in Appendix B of the DEIR shows zero-haul-truck trips during the Project's grading phase. The CalEEMod output should have accounted for 1,556 one-way truck trips during the Project's grading phase, assuming a truck capacity of 16-cubic yards. CARB staff is concerned that construction-related mobile source NO_x and diesel PM emissions are underestimated in the DEIR.³
3. The HRA modeled cancer risks from onsite sources and the new onsite road leading to the proposed logistics facility. The HRA should also model health risks along local roadways that would be used as a haul route to the project site.⁴

7
 8

The Air Quality section of the DEIR concludes that operation of the Project would result in emissions of NO_x that will exceed the significance thresholds established by the South Coast Air Quality Management District (SCAQMD) even after mitigation is applied. Consequently, the DEIR concluded that the Project would generate NO_x emissions that would result in a significant and unavoidable impact. Though NO_x emissions from the Project would exceed the SCAQMD's significance threshold, the DEIR did not model operational emissions after the implementation of all feasible mitigation measures. The City must adequately account for all sources that may contribute to operational emissions and clearly articulate the foundation and calculations used to assess the effectiveness of mitigation measures.

9

The operational mitigation measures proposed in the DEIR consist of restricting truck idling to five minutes (as required by CARB's Diesel-Fueled Commercial Motor Vehicle Idling regulation⁵), discretionary funding to an offsite mitigation fund such as the Carl Moyer Memorial Air Quality Standards Attainment Program, and installation of two onsite electric vehicle charging stations for employees and guests. The DEIR further states that there are no additional mitigation measures, beyond those already included in the DEIR, that could be applied to reduce the Project's operational air quality impacts to a less than significant level. CARB staff disagrees with this conclusion and believes more can be done to reduce the Project's air pollutant emissions and further protect public health.

10

³ See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516 [EIR's significant effect analysis must contain enough "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (citation omitted)]

⁴ See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516 [EIR's significant effect analysis must contain enough "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (citation omitted)]

⁵ CARB's Diesel-Fueled Commercial Motor Vehicle Idling regulation can be accessed at <https://ww3.arb.ca.gov/regact/idling/idling.htm>

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CEQA requires that all feasible mitigation measures be incorporated (see Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b)). Therefore, if the City approves the proposed Project and land use change, despite the issues raised in this letter, the mitigation measures outlined below should be incorporated into the Final EIR.

1. Include language that requires all off-road diesel-powered equipment used during construction and operation of the Project to be equipped with Tier 4 or cleaner engines, except for specialized equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
2. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating onsite.
3. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
4. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.
5. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later today, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.
6. Include contractual language in tenant lease agreements that requires the tenant be in and monitor compliance with all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,⁶ Periodic Smoke Inspection Program (PSIP),⁷ and the Statewide Truck and Bus Regulation.⁸

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⁶ In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁷ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

⁸ The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010

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- 7. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

11

The Project Description section of the DEIR states that there will be no refrigerated uses associated with the operation of the proposed logistics facility upon completion of the Project. The operation of refrigerated warehouses/logistics facilities would include trucks with transport refrigeration units (TRU)⁹ that emit significantly higher levels of toxic diesel PM, NOx, and greenhouse gas emissions than trucks without TRUs.

Although the Project, as proposed in the DEIR, will not include refrigerating spaces, CARB staff urges the City to include in the DEIR a Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the Project site. Alternatively, the City can include a condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of TRUs on the property unless the applicant seeks and receives an amendment to its conditional use permit allowing such use. If the City does allow TRUs within the Project site, CARB staff recommends the City require all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with TRU or auxiliary power units and reevaluate the Project's health impacts in a recirculated HRA.

12

In conclusion, CARB staff is concerned with the modeling assumptions found in the Air Quality section of the DEIR. The emissions and health risks reported in the DEIR were estimated using an outdated version EMFAC and did not evaluate potential health risk impacts on residences along the Project's haul routes. Based on this, CARB staff believes that the DEIR does not assess the air quality impacts from the Project adequately. Without proper analysis, it is impossible to understand the magnitude of the Project's air quality impacts and the resulting health risk to nearby communities.

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⁹ model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁹ Transport refrigeration units (TRU) are refrigeration systems powered by diesel internal combustion engines that protect perishable goods during transport in insulated truck and trailer vans, rail cars, and domestic shipping containers.

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CARB staff appreciates the opportunity to comment on the DEIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

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Sincerely,



Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

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cc: **State Clearinghouse**
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RESPONSE NO. 5

Richard Boyd, Chief, Risk Reduction Branch – Transportation and Toxics Division
California Air Resources Board
September 26, 2019

- 5-1 This comment provides a general summary of 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. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on significant environmental issues.)
- 5-2 The commenter notes that the California Air Resources Board (CARB) is concerned with the potential cumulative health impacts associated with Project construction and operation due to the Project's proximity to residences and schools that are "already disproportionately burdened by multiple sources of air pollution." As summarized in Draft EIR Section 4.2, Air Quality, the Project-generated localized construction and operational emissions would not exceed South Coast Air Quality Management District (SCAQMD) Localized Significance Thresholds (LSTs). The SCAQMD states, "LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor."¹ CARB states, "Ambient air quality standards (AAQS) define clean air, and are established to protect the health of the most sensitive groups in our communities. An air quality standard defines the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without any harmful effects on people or the environment."² Therefore, the Project's localized emissions are not expected to cause health impacts in the local community.

Further, the *I-15 Logistics Center Alternative – Health Risk Assessment Technical Memo* (HRA Memo), prepared by Michael Baker International (dated March 25, 2020), determined diesel particulate matter (DPM) emissions generated during Project operations would not cause a significant cancer impact at nearby sensitive receptors; refer to [Section 3.0, Errata](#). Although the Project would not result in localized air quality impacts, the Draft EIR identifies a significant and unavoidable impact with respect to regional nitrogen oxide (NOx) emissions. However, as identified on page 4.2-18 of the Draft EIR, "The Project's significant and unavoidable NOx impact is related to the Project's regional emissions, which are assessed against the SCAQMD's regional thresholds [...] given the regional nature of such emissions and numerous unpredictable factors, an analysis that correlates health with regional emissions is not possible." Notwithstanding, the Draft EIR determined the Project would result in significant and unavoidable cumulative air quality impacts as a result of Project-generated NOx emissions exceeding SCAQMD regional significance thresholds and the Project's potential to conflict with SCAQMD's Air Quality Management Plan. However, as discussed above, it is not feasible to model health impacts in relation to

-
1. South Coast Air Quality Management District (SCAQMD), *Localized Significance Thresholds*, <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>, accessed March 27, 2020.
 2. California Air Resources Board (CARB), *California Ambient Air Quality Standards*, <https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>, accessed March 27, 2020.

regional emissions at this time. Therefore, the Draft EIR fully considered air quality impacts on the community and its conclusions are adequate under CEQA.

- 5-3 The commenter provides information regarding Assembly Bill 617 (AB 617) and raises a concern that diesel particulate matter (PM) emissions generated during Project construction and operation would negatively impact the community. However, as reflected in HRA Memo, the Project's operational DPM emissions would not cause a significant cancer impact at the nearby sensitive receptors; refer to Section 3.0 Furthermore, as shown in Response to Comments 3-3, 5-5, and 5-6, the Project's construction and operational PM_{2.5}, PM₁₀, and DPM emissions (and subsequent cancer risk) would be below the adopted SCAQMD thresholds. As such, the Project would not negatively impact the neighboring community. It is also noted that AB 617 does not identify specific air quality metrics or requirements that the Project would be subject to under CEQA.
- 5-4 The commenter explains that the census tract containing the Project is located within the top 25 percent for Pollution Burden and urges the City to ensure the Project and land use change do not adversely impact neighboring disadvantaged communities. 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. 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.) Nevertheless, the City of Fontana will consider this information during Project deliberations.
- 5-5 The commenter expresses concern that the DPM emissions used to estimate cancer risks from the Project's truck trips were from the 2014 version of CARB's Emission FACTors Model (EMFAC2014) rather than the 2017 version of the model since EMFAC2017 generally shows higher emissions of DPM for trucks. Additionally, the commenter suggests Project-related air pollutant emissions should be modeled using EMFAC2017. As requested by the commenter, the Project's truck trips emissions were remodeled using the 2017 version of the CARB Emission Factors Model (EMFAC2017), rather than the 2014 version model. The revised emission modeling calculation with the EMFAC2017 model data can be seen in the HRA Memo; refer to Section 3.0.

As the Project-related air pollutant emissions have been remodeled to reflect EMFAC2017 emission rates and revisions have been made to pages 4.2-14, 4.2-15, 4.2-16, 4.2-21, and 4.2-23 of the Draft EIR and are reflected below, in Response to Comment 3-3, and in Section 3.0, of the Final EIR.

Page 4.2-15 through Page 4.2-16, Table 4.2-6, Unmitigated Long-Term Operational Emissions

Table 4.2-6: Unmitigated Long-Term Operational Emissions

Source	Pollutant (pounds per day)					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO _x)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)	Sulfur Dioxide (SO ₂)
Area Source	26.75	0.00	0.00	0.00	0.16	0.00
Energy Use	0.07 <u>0.05</u>	0.64 <u>0.44</u>	0.05 <u>0.03</u>	0.05 <u>0.03</u>	0.54 <u>0.37</u>	0.00
Mobile Source ²	8.90 <u>8.18</u>	146.82 <u>95.86</u>	41.35 <u>41.59</u>	41.82 <u>12.04</u>	131.28 <u>100.79</u>	0.75 <u>0.61</u>
Total	35.72 <u>34.98</u>	147.46 <u>96.30</u>	41.40 <u>41.62</u>	41.87 <u>12.08</u>	131.98 <u>101.33</u>	0.75 <u>0.61</u>
Potentially Significant Impact Threshold (Daily Emissions)	55	55	150	55	550	150
Exceed Daily Threshold?	No	Yes	No	No	No	No

Source: Michael Baker International 2018 2020; see Appendix B.

Notes:

1. Emissions calculated using CalEEMod version 2016.3.2.
2. Based on the EMFAC 2014 2017 web database, in 2024 2022, 74% of the diesel trucks on the road will be 2010 models or newer.

Page 4.2-21, Table 4.2-10, Localized Significance of Operational Emissions

Table 4.2-10: Localized Significance of Operational Emissions

Agency	Pollutant (maximum pounds per day)			
	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Fine Particulate Matter (PM _{2.5})	Coarse Particulate Matter (PM ₁₀)
On-site Emissions	7.84 <u>4.79</u>	7.26 <u>5.20</u>	2.12 <u>2.08</u>	0.64 <u>0.60</u>
SCAQMD Localized Screening Threshold (5 acres at 50 meters)	302	2,396	11	3
Exceed SCAQMD Threshold?	No	No	No	No

Source: CalEEMod version 2016.3.2. Refer to Appendix B for model data outputs.

Page 4.2-23, First Paragraph, Section 4.2, Air Quality

Vehicle DPM emissions were estimated using emission factors for PM₁₀ generated with the 2014 2017 version of EMFAC developed by the California Air Resources Board. EMFAC 2014 2017 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 CARB to project changes in future emissions from on-road mobile

sources. The most recent version of this model, EMFAC 2014 2017, incorporates regional motor vehicle data, information and estimates regarding the distribution of vehicle miles traveled (VMT) by speed, and number of starts per day.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 5-6 The commenter identifies an inconsistency between the number of truck trips identified in the Draft EIR’s Air Quality section (2,036 truck trips) and Transportation section (2,046 truck trips). The number of truck trips identified in the Section 4.2, *Air Quality*, of the Draft EIR is a typo. The Project’s air quality modeling is based on 2,046 daily trips, with 634 of these trips coming from trucks, which is consistent with Section 4.13, *Transportation*, of the Draft EIR; refer also to Draft EIR Appendix B1, *Air Quality Impact Analysis*. This clarification has been made to page 4.2-23 of the Draft EIR and is reflected below and in the HRA Memo; refer to Final EIR Section 3.0.

Page 4.2-23, Second Paragraph, Section 4.2, Air Quality

Based on the program outputs, the highest expected annual average DPM emission concentrations resulting from operation of the Project (2036 634 daily heavy truck trips) would be ~~0.16~~ 0.045 $\mu\text{g}/\text{m}^3$. This level of concentration would be experienced at the southern docks on the Warehouse Area. The highest expected annual average diesel PM₁₀ emission concentrations at a sensitive receptor, sensitive receptor #3 (which is located approximately 150 feet from the Warehouse Area boundary, at UTM NAD83 Zone 11N coordinate location X= 459278.4 Y= 3782532.92), would be ~~0.0095~~ 0.0033 $\mu\text{g}/\text{m}^3$; refer to the health risk assessment in Appendix B I-15 Logistics Center Alternative – Health Risk Assessment Technical Memo (HRA Memo), prepared by Michael Baker International, dated March 25, 2020. The calculations conservatively assume no cleaner technology with lower emissions in future years. Cancer risk calculations are based on 70-, 30-, and 9-year maximally exposed individual resident (MEIR) exposure periods, and a 25-year worker exposure period. As shown in Table 4.2-11, Maximum Operational Health Risk at Project Vicinity Residences–Cancer Risk, the highest calculated carcinogenic risk because of the Project is ~~7.63~~ 3.22 per million for a 70-year MEIR exposure, ~~6.48~~ 2.83 per million for a 30-year MEIR exposure, and 4.63 2.01 per million for a 9-year MEIR exposure, and 2.76 per million for the 25-year worker exposure scenario. As shown, impacts related to cancer risk and DPM concentrations from heavy trucks would be less than significant at the nearest residences.

Table 4.2-11: Maximum Operational Cancer Risk at Project Vicinity Residences

MEIR Exposure Scenario	Maximum Cancer Risk (Risk per Million) ^{1,2}	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
70-Year Exposure	7.63 <u>3.22</u>	10	No
30-Year Exposure	6.48 <u>2.83</u>	10	No
9-Year Exposure	4.63 <u>2.01</u>	10	No
<u>25-Year Worker Exposure</u>	<u>2.76</u>	<u>10</u>	<u>No</u>

Notes:

1. Refer to Appendix B I-15 Logistics Center Alternative – Health Risk Assessment Technical Memo (HRA Memo), prepared by Michael Baker International, dated March 25, 2020.
2. Highest diesel PM₁₀ concentration and highest cancer risk at MEIR was modeled at sensitive receptor #3 ((UTM NAD83 Zone 11N coordinate location X= 459278.4 Y= 3782532.92).

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

- 5-7 The commenter identifies an inconsistency between the soil export identified in the Draft EIR (24,900 cubic yards) and the CalEEMod outputs found in Appendix B of the Draft EIR (0 haul truck trips). The commenter states that CalEEMod outputs should have accounted for 1,556 one-way truck trips during the Project’s grading phase, assuming a truck capacity of 16 cubic yards. Since circulation of the Draft EIR, the Applicant has revised construction assumptions to reduce the quantity of soil export to 5,000 cubic yards and the CalEEMod outputs have been revised accordingly. No new significant impacts have been identified as a result of the addition of 5,000 cubic yards of export. Refer to Response to Comment 3-3.
- 5-8 The commenter indicates that the Project’s HRA should have modeled health risks along local roadways that would be used as a haul routes to and from the Project site. As requested by the commenter, the air dispersion modeling and HRA have been revised to include a line-volume source along Sierra Avenue to the nearest Interstate 15 (I-15) on-/off ramp. This addition allows the modeling to account for trucks traveling to and from the nearest freeway (i.e., I-15). This change is reflected in HRA Memo; refer to Section 3.0. As concluded in the HRA Memo, non-carcinogenic hazards resulting from the Proposed Project are calculated to be within acceptable limits. Additionally, impacts related to cancer risk and PM₁₀ concentrations from warehouse operations would be less than significant at the nearest residential receptors and for workers. Therefore, impacts related to health risk from warehouse operations would be less than significant.
- 5-9 The commenter notes that the Air Quality section of the Draft EIR did not model operational emissions of NO_x after the implementation of all feasible mitigation measures and that the City “must adequately account for all sources that may contribute to operational emissions and clearly articulate the foundation and calculations used to assess the effectiveness of mitigation measures.” However, as stated on page 4.2-16 of the Draft EIR, the reduction in operational air pollutant emissions from Mitigation Measures AQ-2 through AQ-4 would not be quantifiable. Therefore, the Draft EIR determined NO_x emissions would result in a significant and unavoidable impact.
- 5-10 The commenter disagrees that there are no additional operational mitigation measures available to reduce air pollutant emissions beyond Mitigation Measures AQ-2 through AQ-4. Refer to Response to Comment 3-10.
- 5-11 The commenter provides a list of suggested mitigation measures to reduce the Proposed Project’s significant and unavoidable air quality emissions during operations, as well as mitigation measures applicable to construction activities. The Final EIR concludes that the Project’s total construction emissions for all criteria pollutants would be below the SCAQMD significance thresholds with implementation of Mitigation Measure AQ-1 and, thus, less than significant. Therefore, additional mitigation measures applicable to construction, including those suggested by the commenter, are not required. The commenter disagrees that there are no additional, feasible operational mitigation measures available to reduce air pollutant emissions beyond Mitigation Measures AQ-2 through AQ-4. See Response to Comments 2-9 and 2-10 above.
- 5-12 The commenter urges the City to include a Project design measure within the Draft EIR requiring contractual language in tenant lease agreements that prohibits trucks with transport refrigeration units (TRU). If the Project allows for TRUs, CARB recommends the City require all

loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with TRU or auxiliary power units and revised the Project's HRA to account for these changes. The Project does not propose and is not designed for cold storage uses. The City has included a condition of approval 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 the event that cold storage uses are proposed in the future, further analysis would be required.

- 5-13 The commenter opines that the Draft EIR did not adequately address the Proposed Project's impacts to air quality based on the concerns identified in the abovementioned comments. Refer to Responses to Comments 5-2 to 5-12.
- 5-14 This comment serves as the conclusion to the comment letter. Responses to specific comments are provided above; no further response is required.



LAFCO

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for San Bernardino County**

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DAVID MARSHALL

LEGAL COUNSEL

PALLAIGE SERRA MULLA

September 26, 2019

VIA EMAIL to djohnson@fontana.org and US MAIL

DiTanyon Johnson, Senior Planner
City of Fontana
Development Services Organization-Planning Division
8353 Sierra Avenue
Fontana, CA 92335

RE: Notice of Availability of a Draft Environmental Impact Report
(SCH No. 2018011008)

Dear Mr. Johnson:

The Local Agency Formation Commission for San Bernardino County (LAFCO) received a copy of the Notice of Availability (NOA) for the I-15 Logistics Project. LAFCO, in coordination with Tom Dodson (Environmental Consultant to LAFCO), has the following comments:

- P. 1.0-30: The summary does not include several issues, such as Mineral Resources. Based on information later in the document, several issues are treated as minimal impact in Chapter 5.0. However, no explanation of this is included in this section of the text, so it appears that certain issues have not been addressed. Suggest including a short note summarizing those issues that have no impact and where these topics are addressed.
- P. 1.0-34: Same issues as identified for page 30. Where the list of impacts does not specifically follow the new Initial Study checklist form, suggest noting why.
- P. 1.0-40/41: The description of the annexation only alternative is too vague. In general, an annexation only alternative should consist of a comparative examination between City proposed zoning and County land use designation and zoning, and any change in potential development under this change. This issue does not appear to be addressed in this part of the text and based on review of the Alternatives chapter, it was not addressed there either. Please provide this evaluation to assist LAFCO's ability to rely on the Final EIR.
- P. 2.0-2: Last paragraph. Mineral resource zones are not considered. However, most of the whole alluvial bajada



- created by the San Gabriel Mountains has been identified within a sand and gravel mineral resource zone. If this area is not included, please reference the source of data supporting this conclusion. 5
- P. 3.0-8: End of the first paragraph on this page: It would be appropriate to summarize total potential development under the County and the City land use designations in this section. 6
- P. 3.0-9: LAFCO requested an analysis of any adverse effects of removal of the State Responsibility Area designation in its NOP comment letter. There is no discussion here or later in the text of potential impacts, although the action is identified later in the document. Please include this action as part of the project on this page. 7
- P. 3.0-10: Next to last paragraph, some additional discussion of the Monarch Hills project would assist in understanding the proposed Lytle Creek Road alignment. 8
- P. 3.0-18/19: Add in the discussion of removal of the State Responsibility Area here. 9
- P. 4.1-8: In the aesthetic section eight residences are referenced as being within the 76-acre development envelope for the warehouse. In the project description only three residences are referenced as being within the development envelope. Please clarify the text throughout the DEIR on this topic. 10
- P. 4.2-2: First paragraph, line 7: "Three" must be replaced since the three refers to the residential properties within the warehouse footprint. 11
- P. 4.3-28: First paragraph under impact 4.3-2, line 7: change "requisite" to "requirement" 12
- P. 4.3-32: At first glance the City's NFCP appears to qualify as an HCP. If not, please explain why it is not an HCP. 13
- P. 4.5-9: First paragraph on page, line 8: please delete "these" 14
- P. 4.5-11: Bottom paragraph, first line: should "exceed" be "comply with" 15
- P. 4.5-12: We reviewed the cumulative impact assessment several times and it is not logical; please edit to clarify the actual finding and issue. 16
- P. 4.6-2: Second paragraph: We believe the Sierra Madre Fault is west-northwest of the site, not northeast. Please verify and correct the text if necessary. 17
- P. 4.7-18: Line 3 references a "Specific Plan." Please revise the text to remove this reference and correct the text reflect the correct project. 18
- P. 4.7-20: SB375 discussion: Please clarify the rationale for concluding the project is located within an HQT. This seems a little farfetched. 19

- P. 4.9-2 First line on page: Please clarify the meaning of the term "upper erosion zone." Is it a term of art or created only for this document. Also, what does it mean? 20

First paragraph: the description of the Santa Ana RWQCB jurisdiction in this paragraph is incorrect and it needs to be revised. 21

Existing Site Drainage: This section of the document is not clear and needs to be edited. The numbers do not appear to add up, but more importantly, this description of where water currently flows from the site and flow where (ultimately) appears to be contradicted by the conclusion in the biology section of the DEIR. If surface runoff from the site ends up ends up in Lytle Creek, the small defined channels on the site (three of them) may fall under Corps jurisdiction, which has major implications for the project due to the SBKR critical habitat designation on the site. Please clarify by provide a clear discussion of where runoff leaving the site currently flows and through what mechanisms. 22
- P. 4.9-19 Erosion/Siltation paragraph: the first sentence appears to contradict the information in the Bio section which identifies 3 CDFW jurisdictional channel across the property. Please clarify. 23
- P. 4.9-20/21 Top of page: at the beginning of this section, surface runoff is identified as ultimately being deliver to Lytle Creek at present. Please clarify whether the developed site surface runoff will continue to reach Lytle Creek (under any circumstances) and if so how 24

Next to last paragraph: The City's Master Plan of Drainage for this area is referenced several times in this document but a pertinent copy or a description is not provided. Nor has there been any discussion of what elements, if any, the proposed project might have to install. Please provide clarification of this issue, including some graphics to support. 25
- P. 4.10-3 Federal: since this discussion relates to surrounding land uses in the "Project Area," would it be appropriate to discuss the nearby USFS land immediately to the north. 26
- P. 4.10-9 Table 4.10-3, Goal LU-9: Please explain the reference to San Bernardino County as a "responsible agency;" what discretionary action will the County undertake. 27
- P. 4.10-14 Development Code Consistency Analysis: This issue has been previously mentioned. Please calculate the number of potential future residences that could be constructed under the County's existing jurisdiction (under the proposed project scenario) so that it can be compared to the total number of residences under the City, with the development of the warehouse included. 28
- P.4.12-1 Fire Protection: No mention of the removal of the State Responsibility Area is provided in this text as requested by LAFCO in its NOP comment letter. Please edit to incorporate. 29

- P.4.12-9 **Second Paragraph: Where are the data to support the conclusion that property tax revenues will be sufficient to offset demand for public services? Please provide or provide a reference.** 30
- P. 4.15-2 **Stormwater Discharge: This paragraph is not consistent with the Hydrology section which indicates that stormwater currently flows east to Lytle Creek. Please clarify the text here and throughout the document where appropriate.** 31
- P. 4.15-8 **3rd bullet: Will the project connect to or install any of the City's Master Plan of Drainage facilities? If so, please describe.** 32
- P. 4.15-11 **Top of page, line 10: change "not" to "no"** 33
- P. 8.0-7 **First paragraph: no estimate of potential development under the No Project Alternative is provided. Please provide.** 34
- P. 8.0-20 **Second Paragraph, line 2: insert the word "to" between "impacts" and "cultural"** 35

Thank you for allowing us to provide comments to the NOA. If you have any questions concerning the information outlined above, please do not hesitate to contact me at (909) 388-0480. Please maintain LAFCO on your distribution list to receive further information related to this process. We look forward to working with the City on its future processing of this project.

Sincerely,


SAMUEL MARTINEZ
 Executive Officer

Attachments

cc: Tom Dodson, Tom Dodson and Associates, Environmental Consultant to LAFCO

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RESPONSE NO. 6

Samuel Martinez, Executive Officer
Local Agency Formation Commission for San Bernardino County
September 26, 2019

- 6-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 6-2 The commenter notes that page 1.0-30 of the Draft EIR does not include several environmental issue areas, including mineral resources, and suggests including a short note summarizing issues with no impact and where these topics are addressed. Pursuant to CEQA Guidelines Section 15123, an EIR is required to contain a brief summary of the proposed actions and its consequences that identifies 1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; 2) areas of controversy known to the Lead Agency including issues raised by agencies and the public; and 3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects. CEQA Guidelines Section 15123 continues by indicating that the Executive Summary should not normally exceed 15 pages. The City of Fontana affirms that Section 1.0, *Executive Summary*, of the Draft EIR has been prepared according to CEQA Guidelines Section 15123 requirements in this regard. Refer to Draft EIR Section 5.0, *Effects Found Not to Be Significant*, for a discussion on effects found not to be significant or to be less than significant, or less than significant with mitigation, based on information contained in the Initial Study previously prepared for the Proposed Project. The Initial Study, which includes the substantial evidence supporting the less than significant conclusions for those thresholds scoped out of the main body of the Draft EIR, is also included in the Draft EIR as an appendix.
- 6-3 The commenter notes that page 1.0-34 of the Draft EIR similarly excludes environmental issue areas. Refer to Response to Comment 6-2.
- 6-4 The commenter indicates that the description of the "Annexation Only" Alternative is too vague on pages 1.0-40 to 1.0-41 of the Draft EIR. Refer to Response to Comment 5-2. It is noted that Section 8.0, *Alternatives*, of the Draft EIR fully describes the "Annexation Only" Alternative and compares its potential impacts to the impacts of the Proposed Project. As elaborated in Draft EIR Section 8.0, the Annexation Only Alternative analyzes the environmental effects of annexing the 152-acre Project Area into the City and potentially developing the Project Area to the existing Fontana General Plan, Zoning, and development standards. Based upon the City's General Plan and zoning, which would include Residential Estate (R-E), Public Utility Corridor (P-UC) and General Commercial (C-2). Under this alternative, it could be reasonably assumed that the development of a total of 227 dwelling units would occur. The "No Project" Alternative is described and analyzed in order to enable the decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project. To that end, the No Project Alternative assumes that the Project Area would not be annexed to the City, and that the Project Area would remain in the County and would be developed under the County of San Bernardino's existing land use and zoning designations.
- 6-5 The commenter indicates that the last paragraph on Draft EIR page 2.0-2 does not consider mineral resource zones despite the fact that most of the alluvial bajada created by the San Gabriel Mountains is identified as a mineral resource zone. As concluded in Draft EIR Section 5.0, *Effects*

Found Not To Be Significant, the Proposed Project site is not located in a Mineral Resources (MR) overlay zone and is not a known source of any mineral resources based on California Department of Conservation's *Special Report 143, Mineral Land Classification of the Greater Los Angeles Area*. No revisions to Draft EIR page 2.0-2 are necessary nor required in this regard.

- 6-6 The commenter requests that the end of the first paragraph on Draft EIR page 3.0-8 summarizes total potential development under the County and City land use designation. However, a discussion of the development potential under the County and City land use designations is provided in Section 8.0 of the Draft EIR. As noted in Section 8.0, implementation of the "Annexation Only" Alternative (where the 152-acre Project Area would be annexed to the City and would be developed pursuant to the Fontana General Plan, Zoning, and development standards) would result in development of 227 dwelling units. Further, Draft EIR Section 8.0 explains that implementation of the "No Project" (where the Project area would be developed pursuant to the County's General Plan, Zoning, and development standards), would result in development of 132 dwelling units. Thus, the requested clarification to Draft EIR page 3.0-8 is not necessary as this information is already provided in Section 8.0 and would not alter the conclusions of the Draft EIR.
- 6-7 The commenter requests that page 3.0-9 of the Draft EIR be revised to address any effects of removal of the State Responsibility Area (SRA) and annexation into the City and Fontana Fire Protection District (FFPD). As noted in Draft EIR Section 4.16, *Wildfire*, the California Department of Forestry and Fire Protection (CAL FIRE) currently identifies the Project Area as an SRA; however, the Project Area would become a Local Responsibility Area (LRA) after its annexation to the City of Fontana. As noted in Draft EIR Section 4.16, the Proposed Project would not result in significant wildfire hazard impacts following conformance with the California Building Code, California Fire Code, Municipal Code, and FFPD requirements. The Project's proposed realignment of Lytle Creek Road would improve area circulation and better allow FFPD emergency access to the Project Area. Thus, no impacts would occur as a result of the removal of the SRA.
- 6-8 The commenter requests that page 3.0-10 of the Draft EIR be revised to incorporate additional discussion of the Monarch Hills Project. However, the Monarch Hills Project has been incorporated into the Draft EIR's cumulative projects analysis and is therefore considered throughout the Draft EIR's environmental analyses; refer to Draft EIR Table 4.0-1, *Cumulative Projects*. No revisions to Draft EIR page 3.0-10 are necessary nor required in this regard.
- 6-9 The commenter requests revisions to page 3.0-18 and 3.0-19 of the Draft EIR to incorporate a discussion on the removal of the State Responsibility Area (SRA). With Project implementation, the 152-acre Annexation Area would be annexed to the Fontana Fire Protection District (FFPD), a subsidiary district of the City, that contracts with the San Bernardino County Fire Protection District for its services; refer to Draft EIR Section 3.4.4, *Fontana Fire Protection District*. CAL FIRE currently identifies the Project Area as an SRA; however, the Project Area would become a Local Responsibility Area (LRA) after its annexation to the City of Fontana. As discussed in Response to Comment 6-7, no impacts would occur as a result of the removal of the SRA. No changes are necessary nor required in this regard.
- 6-10 The commenter identifies an inconsistency between the number of residential dwelling units referenced in the Aesthetics Section (eight dwelling units) and the number of residential dwelling units identified in the Project Description (three dwelling units). As disclosed in Draft EIR Section 3.2.1, *Setting and Existing Conditions Overview*, the Project site currently includes eight residential dwelling units. Three of the eight existing on-site residences are located within the boundaries of

the 76-acre Logistics Site—two in the north-central portion of the Logistics Site with access from Lytle Creek Road, and one in the southwestern portion of the Logistics Site, immediately adjacent to Lytle Creek Road. The remaining residences are scattered at the north and south ends of the Project Area—three in the southerly portion adjacent to the water tank, and two in the northerly portion along Lytle Creek Road, approximately 0.3-mile from the existing Lytle Creek Road/Sierra Road intersection. No revisions to the Draft EIR are necessary in this regard.

- 6-11 The commenter requests that the word “three” be removed from the first paragraph on page 4.2-2 since “the three refers to the residential properties within the warehouse footprint.” As noted in Section 4.2, *Air Quality*, three existing residential properties are located within the annexation boundary but not within the warehouse footprint. As a result, these homes would be the nearest sensitive receptors to the Proposed Project since the balance of existing residential units would be demolished with Project implementation. No changes are necessary in this regard.
- 6-12 The commenter requests that the word “requisite” be changed to “required” in the first paragraph of Draft EIR Impact 4.3-2. 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. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on significant environmental issues.)
- 6-13 The commenter indicates that the North Fontana Conservation Program (NFCP) appears to qualify as a Habitat Conservation Plan (HCP) and requests an explanation if it is not an HCP. The NFCP does not qualify as an HCP. The NFCP is not permitted by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) as an HCP or Natural Community Conservation Plan (NCCP).
- 6-14 The commenter requests the word “these” be deleted from the first paragraph, line 8 of Draft EIR page 4.5-9. 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. Therefore, no further response is warranted.
- 6-15 The commenter questions whether the word “exceed” should be “complied with” in the bottom paragraph, first line of Draft EIR page 4.5-11. 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. Therefore, no further response is warranted.
- 6-16 The commenter generally opines that the cumulative impact analysis on page 4.5-12 is not logical and requests the discussion is revised to “clarify the actual finding and issue.” However, the comment does not identify a specific issue with the analysis or significance conclusion.
- 6-17 The commenter states that the Sierra Madre Fault is west-northwest of the Project, rather than northeast as described on Draft EIR page 4.6-2. Regardless of whether the Sierra Madre fault is located to the west-northwest or northeast of the Project site, this fault is located 14 miles from the Project site; refer to Draft EIR Appendix E1, *Geotechnical Investigation*. As concluded in Draft EIR Section 4.6, *Geology and Soils*, impacts related to earthquake fault rupture and strong seismic ground shaking would be reduced to less than significant levels following implementation of Mitigation Measures GEO-1 through GEO-3. Thus, the requested clarification to page 4.6-2 of the Draft EIR is not necessary for the City of Fontana to make an environmentally informed decision on the Project and would not alter the conclusions of the Draft EIR.

- 6-18 The commenter requests that line 3 of page 4.7-18 be revised to delete a reference to “Specific Plan.” The reference to “Specific Plan” on page 4.7-18 of the Draft EIR is a typo. This clarification has been made to page 4.7-18 of the Draft EIR and is reflected below and in Section 3.0, *Errata*, of the Final EIR.

Page 4.7-18, First Paragraph, Section 4.7, Greenhouse Gas Emissions

policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets. The proposed ~~Specific Plan~~ Project would not interfere with the state’s implementation of Executive Order B-30-15 and SB 32’s target of reducing statewide GHG emissions to 40 percent below 1990 levels by 2030; or Executive Order S-3-05’s target of reducing statewide GHG emissions to 80 percent below 1990 levels by 2050 because it does not interfere with the state’s implementation of GHG reduction measure described in the CARB’s Updated Scoping Plan. CARB’s Updated Scoping Plan sets the ground work to reach California’s long-term emissions reduction goals set forth in Executive Order S-3-05, AB 32, and other GHG regulations. Implementation of the proposed Project would not interfere with any specific requirements that assist in meeting state-adopted greenhouse gas emissions reduction targets, including that established under Executive Order S-3-05, Executive Order B-30-15, or SB 32.

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

- 6-19 The commenter requests the Senate Bill 375 (SB 375) conclusion on Draft EIR page 4.7-20 be revised to clarify the rationale for concluding the Project is located within a High Quality Transit Area (HQTA). The Draft EIR incorrectly stated that Project is located in a HQTA. The revision has been made to page 4.8-20 of the Draft EIR and is reflected below and in Section 3.0 of the Final EIR.

Page 4.8-20, Section 4.8, Greenhouse Gas Emissions

**Table 4.7-3:
Consistency with the Climate Change Scoping Plan**

Actions and Strategies	Responsible Party(ies)	Project Consistency Analysis
<p>Senate Bill (SB) 375: SB 375 requires integration of planning processes for transportation, land-use and housing. Under SB 375, each Metropolitan Planning Organization would be required to adopt a Sustainable Community Strategy (SCS) to encourage compact development that reduces passenger vehicle miles traveled and trips so that the region will meet a target, created by CARB, for reducing GHG emissions.</p>	<p>State, CARB Regional, SCAG</p>	<p>Consistent. SB 375 requires SCAG to direct the development of the SCS for the region, which is discussed further below. The Project represents an infill development within a High Quality Transit Area (HQTA). Although the Project is not located in a High Quality Transit Area (HQTA), the Project would be located within a mile of public transit. In addition, the Project would improve a segment of Lytle Creek Road along the western boundary of the Logistics Site with five-foot-wide sidewalks, which would facilitate pedestrian activity in the Project Area and reduce VMT. In addition, Further, Mitigation Measure GHG-1 requires measures to reduce the Project's long-term operational mobile GHG emissions. Therefore, the Project would be consistent with <u>the Actions and Strategies of SCAG's 2016-2040 RTP/SCS as it is located within a HQTA.</u> Furthermore, the 2016-2040 RTP/SCS would result in an estimated 18-percent decrease in per capita GHG emissions from passenger vehicles by 2035 and 21-percent decrease in per capita GHG emissions from passenger vehicles by 2040. As the Project would comply with the 2016-2040 RTP/SCS, the Project would be consistent with SB 375.</p>

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

- 6-20 The commenter requests clarification for the term "upper erosion zone" on Draft EIR page 4.9-2. As noted on Draft EIR page 4.9-2, this upper zone has the highest gradient and soils and geology that do not allow large quantities of percolation of surface water into the ground.
- 6-21 The commenter indicates that the description for the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) is incorrect but does not specify how the description is incorrect. As such, no further response is required.
- 6-22 The commenter indicates that the discussion on existing site drainage on page 4.9-2 is not clear and needs to be revised. It is noted that the Draft EIR's reference to 50 percent of the Project site being currently comprised of pervious surfaces was a typo. The existing impervious area on-site is approximately 10,000 square feet. This represents approximately 0.34 percent of the Project's 2,867,994-square foot drainage management area (DMA). This clarification has been made to page 4.9-2 of the Draft EIR and is reflected below and in Section 3.0 of the Final EIR. However, this revision does not change any environmental impact conclusions in the EIR based on the Project's proposed drain improvements, including construction of underground collection pipes and a three-acre on-site detention flood control/infiltration basin. As discussed in Draft EIR Appendix G, Water Quality Management Plan, the infiltration basin is capable of retaining 110 percent of the Design Capture Volume flow emanating from the Logistics Site. Thus, although the Proposed Project would involve an increase in hardscapes compared to existing conditions, based on the

proposed Design Capture Volume, the Proposed Project would not result in significant impacts concerning hydrology and water quality.

Page 4.9-2, Third Paragraph, Section 4.9, Hydrology and Water Quality

Existing Site Drainage

The Project Area's existing on-site surface elevation ranges from approximately 1,850 to 2,030 feet above mean sea level and generally slopes to the southwest. The Logistics Site is relatively flat, with no areas of significant topographic relief. According to the WQMP prepared for the Project, there is one approximately 2,867,994 square foot drainage management area (DMA) on the Logistics Site (DMAs are portions of a site that drain to the same conveyance facility). Runoff from this area flows via a storm drain to the existing drainage infrastructure. The existing impervious area on-site is approximately 10,000 square feet. This represents approximately 0.34 percent of the Project's 2,867,994-square foot DMA. ~~Approximately 50 percent of the site currently comprises pervious area.~~ The WQMP identifies the receiving waters as Lytle Creek to the Santa Ana River. No environmentally sensitive areas or unlined downstream water bodies were identified, nor were any hydrologic conditions of concern identified with respect to the Proposed Project 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.

The commenter also requests the Draft EIR clarify where runoff leaving the Project site currently flows and suggests that the description provided on page 4.9-2 contradicts information provided in the Biological Resources section. As described on Draft EIR page 4.9-2, existing runoff currently flows via a storm drain to the existing drainage infrastructure. The Project's *Water Quality Management Plan* (WQMP) identifies Lytle Creek to the Santa Ana River as receiving waters for the Project site's stormwater flows. Receiving waters are defined as surface bodies of water that serve as discharge points for storm water conveyance systems (i.e., rivers, lakes, the Pacific Ocean, etc.).

According to the *Caprock Warehouse Project Delineation of State and Federal Jurisdictional Waters*, three unnamed, ephemeral drainage features (D-1, D-2, and D-3) were observed within the boundaries of the Project Area. These drainage features exhibited evidence of an ordinary high water mark (OHWM); however, it was determined that all three drainages do not exhibit a surface hydrologic connection to downstream waters of the United States. As described on Draft EIR page 4.3-20, waters of the United States include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, the territorial seas, and wetlands adjacent to waters of the United States (33 Code of Federal Regulations, Part 328, Section 328.3).³

³ It is noted that on January 23, 2020, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) finalized the Navigable Waters Protection Rule to change the definition of "waters of the United

Thus, the City of Fontana affirms that the description provided on page 4.9-2 does not contradict information provided in the Biological Resources section; rather, these sections are related to separate environmental issue areas (i.e., existing receiving waters for stormwater flows and whether the three unnamed, ephemeral drainage features on the Project Site exhibit a connection to waters of the United States).

- 6-23 The commenter indicates that the first sentence in the discussion for Impact 4.9-3a on page 4.9-19 contradicts information in the Biological Resources section. This clarification has been made to page 4.9-19 of the Draft EIR and is reflected below and in Section 3.0 of the Final EIR. However, this revision does not alter the analysis or the conclusions relating to short-term construction impacts based on mandatory compliance with National Pollutant Discharge Elimination System (NPDES) requirements. As discussed in Section 4.9-19 of the Draft EIR, the Project would be required to obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity. The permit requires non-stormwater discharges from construction sites to be eliminated or reduced to the maximum extent practicable, preparation of a stormwater pollution prevention program (SWPPP), and routine inspections of all stormwater pollution prevention measures and control practices used at the site, including inspections before and after storm events. Construction would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial increased erosion or siltation on- or off-site following compliance with NPDES requirements, and impacts would be less than significant in this regard.

Page 4.9-19, Impact 4.9-3a, First Paragraph, Section 4.9, Hydrology and Water Quality

Short-Term Construction Impacts

~~The Logistics Site does not contain any streams, rivers, or other drainage features.~~ Temporary construction-related activities associated with the Proposed Project are not anticipated to have a significant impact on existing drainage patterns since construction would be required to obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity. The permit requires non-stormwater discharges from construction sites to be eliminated or reduced to the maximum extent practicable, preparation of a SWPPP, and routine inspections of all stormwater pollution prevention measures and control practices used at the site, including inspections before and after storm events. Compliance with NPDES General Permit requirements as well as San Bernardino County Code Title 3, Division 5, Chapter 1, Pollutant Discharge Elimination System Regulations would prevent substantial erosion or siltation both on- and off-site during construction. Therefore, construction would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial increased erosion or siltation on- or off-site. Impacts would be less than significant.

States" to include territorial seas and traditional navigable waters, tributaries, lakes, ponds, and impoundments of jurisdictional waters, and adjacent wetlands.

Page 4.9-20, Impact 4.9-3b, First Paragraph, Section 4.9, Hydrology and Water Quality**Short-Term Construction Impacts**

~~The Logistics Site does not contain any streams, rivers, or other drainage features.~~ Temporary construction-related activities associated with the Proposed Project are not anticipated to have a significant impact on existing drainage patterns since construction would be required to obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity. The permit requires non-stormwater discharges from construction sites to be eliminated or reduced to the maximum extent practicable, preparation of a SWPPP, and routine inspections of all stormwater pollution prevention measures and control practices used at the site, including inspections before and after storm events. Compliance with NPDES General Permit requirements as well as San Bernardino County Code Title 3, Division 5, Chapter 1, Pollutant Discharge Elimination System Regulations would prevent substantial erosion or siltation both on- and off-site during construction. Therefore, construction would not substantially alter the existing drainage pattern of the site or area in a manner which would result in flooding on- or off-site. Impacts would be less than significant.

Page 4.9-22, Impact 4.9-3d, First Paragraph, Section 4.9, Hydrology and Water Quality

Refer to the discussion for Impact 4.9-3b. ~~The Logistics Site does not contain any streams, rivers, or other drainage features and no~~ No short-term construction or long-term operational flood impacts are anticipated with Project implementation.

Although the Project site includes three unnamed, ephemeral drainage features, temporary construction-related activities associated with the Proposed Project are not anticipated to have a significant impact on existing drainage patterns since construction would be required to obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity. Compliance with NPDES General Permit requirements would ensure construction-related impacts concerning erosion or siltation are less than significant. Thus, this change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 6-24 The commenter requests that a clarification regarding whether the Project’s surface runoff would continue to drain to Lytle Creek. Although Lytle Creek to the Santa Ana River are identified as receiving waters for the Project Site, the Proposed Project would construct storm drain improvements that would include the installation of underground collection pipes, and a three-acre on-site detention flood control/infiltration basin would be constructed on the southeast portion of the Logistics Site. Stormwater would be collected from impervious areas and directed to the infiltration basin for filtration. As discussed in Draft EIR Appendix G, the infiltration basin is capable of retaining 110 percent of the Design Capture Volume flow emanating from the Logistics Site. Based on the proposed Design Capture Volume, the Proposed Project would not discharge surface runoff to Lytle Creek and would not result in potentially significant adverse effects to downstream water bodies (i.e., Lytle Creek).
- 6-25 The commenter requests a copy or description of the *City of Fontana Master Drainage Plan (Master Drainage Plan)*, dated June 1992. Incorporation of the City’s Master Drainage Plan into the Draft EIR as an appendix or otherwise is not necessary for the City of Fontana to make an

environmentally informed decision on the Project and would not alter the conclusions of the Draft EIR. Nonetheless, the City's Master Drainage Plan is available for review at the Fontana City Hall, located at 8353 Sierra Ave, Fontana, California, 92335. The proposed drainage facilities are discussed throughout the Draft EIR, with particular emphasis provided in Draft EIR Section 4.15, Utilities and Service Systems. As discussed on Draft EIR page 4.15-11, the Project would construct storm drain improvements including underground collection pipes and a 3-acre on-site detention flood control/infiltration basin would be constructed on the southeast portion of the site. As noted in the Project's WQMP, the on-site improvements would capture the Design Capture Volume of runoff anticipated at the Logistics Site. Thus, the Project's features would implement BMPs sufficient to capture stormwater volumes to ensure not significant impact to stormwater facilities would result. The Project's drainage features would be implemented in compliance with the provisions of the City's Master Drainage Plan and would not conflict with that plan.

- 6-26 The commenter asks whether it would be appropriate to discuss the nearby U.S. Forest Service land to the north of the Project site on page 4.10-3 of the Draft EIR; however, the comment does not explain why this is relevant to the Draft EIR's analysis. Despite the Project Site's proximity to U.S. Forest Service lands, there are no federal laws, regulations, or executive orders apply to land use and planning in the Project Area and the Project does not impact any federal lands or resources. No changes to page 4.10-3 of the Draft EIR are necessary in this regard.
- 6-27 The commenter requests that page 4.10-9 of the Draft EIR clarifies San Bernardino County's role as a responsible agency. However, both Section 3.4.5, *San Bernardino County Local Agency Formation Commission Consideration and Discretionary Actions*, and page 4.10-5 of the Draft EIR already explains that the San Bernardino County Local Agency Formation Commission (LAFCO) will rely on this Draft EIR in considering the discretionary actions under LAFCO's jurisdiction and authority regarding proposed SOI amendments and annexations requested by the City, the West Valley Water District (West Valley), and the San Bernardino Valley Municipal Water District (SBVMWD). Refer to the Discretionary Actions and Approvals subsection in Section 3.0 of the Draft EIR for details on the specific zoning and land use designations proposed. No changes to page 4.10-9 of the Draft EIR are necessary in this regard.
- 6-28 The commenter requests that a summary of the total potential development under the County and City land use designation is added into the Draft EIR. Refer to Response to Comment 6-6. No changes to page 4.10-14 of the Draft EIR are necessary in this regard.
- 6-29 The commenter requests page 4.12-1 is revised to mention removal of the SRA. The discussion on page 4.12-1 is focused on the Project's existing conditions regarding public services (including fire protection services). A discussion on the effects of removal of the SRA and annexation into the FFPD is provided in Section 4.16 of the Draft EIR; refer to Response to Comment 6-7. No changes to page 4.12-1 of the Draft EIR are necessary in this regard.
- 6-30 The commenter requests "data to support the conclusion that property tax revenues will be sufficient to offset demand for public services." As noted in Draft EIR Section 4.12, *Public Services*, the Proposed Project would cause an increased demand for public services (i.e., fire protection services and police protection services). However, this increase would not require new FFPD or FPD facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. The Project's impacts to fire protection services and police protection services would be less than significant and, further, the Project would comply with the provisions of the City's Development Impact Fee program, which requires a fee payment to assist the City in providing fire and police

protection services. Such fees would be used to fund capital costs associated with land acquisition, construction, purchasing equipment, and providing for additional staff. Property tax revenues would provide further offset impacts to public services by providing additional monies to cover the Project's increased demand for public services. Impacts would be less than significant in this regard. No changes to page 4.12-9 of the Draft EIR are necessary in this regard.

- 6-31 The commenter indicates that the stormwater discharge discussion on page 4.15-2 is inconsistent with the Hydrology section of the Draft EIR. As noted on Draft EIR page 4.15-2, the Project site is located within the San Sevaine Watershed. The San Sevaine Watershed is a subwatershed of the larger Santa Ana River Watershed, which is located south and east of Los Angeles and includes much of Orange County, the northwestern corner of Riverside County, the southwestern corner of San Bernardino County, and a small portion of Los Angeles County; refer to Appendix L, *San Bernardino County (Santa Ana Watershed Region) Subwatershed Fact Sheets*, of the San Bernardino County Areawide Stormwater Program Watershed Action Plan (dated November 5, 2014). As a result, the City of Fontana affirms that information regarding the San Sevaine Watershed on page 4.15-2 of the Draft EIR is not inconsistent with the Hydrology section's discussion on the Santa Ana River Watershed. No changes are necessary in this regard.

Refer to Response to Comments 6-22 and 6-24 for a discussion concerning existing receiving waters for stormwater flows (i.e., Lytle Creek) and whether the Project Site exhibits a connection to waters of the United States.

- 6-32 The commenter requests the Draft EIR incorporates additional information regarding whether the Project would connect to or install facilities identified in the City's Master Plan of Drainage. The project will not create any new connections related to drainage facilities. Under existing conditions, flows cross the project site and drain into existing culverts under I-15 Freeway. Under the proposed project, on-site flows will be collected on site, detained, and then discharged to the existing culverts.
- 6-33 The commenter requests that the word "not" is changed to "to" in the line 10 of Draft EIR page 4.15-11. 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. Therefore, no further response is warranted.
- 6-34 The commenter requests that the first paragraph of page 8.0-7 of the Draft EIR is revised to estimate potential development under the "No Project" Alternative. However, this information is provided on page 8.0-6 of the Draft EIR; refer to Response to Comment 6-6. No changes are necessary in this regard.
- 6-35 The commenter requests that the word "to" is inserted between "impacts" and "cultural" in the second paragraph of Draft EIR page 8.0-20. 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. Therefore, no further response is warranted.
- 6-36 The commenter has been added to the City's public interest list for the Proposed Project, as requested. This comment serves as the conclusion to the comment letter. Responses to specific comments are provided above; no further response is required.

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Attorney General

State of California
DEPARTMENT OF JUSTICE



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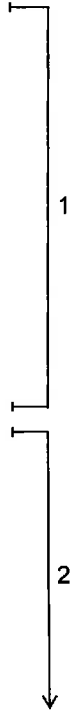
September 27, 2019

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

RE: Draft Environmental Impact Report for the I-15 Logistics Project (SCH #2018011008)

Dear Mr. Johnson:

The California Attorney General's Office has reviewed the City of Fontana's Draft Environmental Impact Report (EIR) for the I-15 Logistics Project (the Project). The Project would site a 1,175,720 square-foot warehouse with about 634 daily truck trips in an already highly-polluted community of color approved for additional residential development. The EIR found significant and unavoidable impacts to air quality, cultural resources, greenhouse gas emissions, and transportation. Despite these impacts, the Project includes minimal mitigation, particularly of the Project's significant air quality and greenhouse gas impacts. In addition, the Project would have significant land use impacts, the EIR's analysis of alternatives is flawed, and the EIR's analysis of noise impacts needs to be clarified. We respectfully submit these comments urging the City to conduct further environmental analysis pursuant to California Environmental Quality Act (CEQA) prior to project approval in order to ensure the Project's environmental impacts are understood, disclosed, and mitigated to the maximum feasible extent.¹



I. THE PROJECT WOULD SITE A LARGE WAREHOUSE IN A HIGHLY-POLLUTED RESIDENTIAL AREA.

The Project would annex 152 acres and rezone 76 acres from mostly residential to industrial to build a 1,175,720 square-foot tilt-up warehouse.² The warehouse would have 199

¹ The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)

² EIR at 3.0-1, 3.0-3 to 3.0-5, 3.0-9.

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dock doors, 309 trailer stalls, and 406 employee parking spaces.³ The EIR forecasts the Project to generate 634 daily truck trips during 24-hour operation—i.e. one truck trip nearly every two minutes, 24 hours a day.⁴ The 76 acres surrounding the warehouse that would be annexed and not rezoned would remain designated for residential development.⁵

The immediate area around the warehouse site is currently rural, with scattered homes in the Project area. The nearest sensitive receptor is a residence located approximately 150 feet from the proposed warehouse.⁶ Existing residential neighborhoods lie about a half-mile to the southwest and southeast.⁷ Approved residential developments, which are shown in an annotated satellite image appended to the end of this memo, will expand those neighborhoods to within about 1,000 feet from the Project and add a school a half-mile from the Project.⁸ The land immediately adjacent to the Project is designated under the general plan and zoning ordinance for future mixed-use residential development.⁹ The residential community is currently free from conflicting industrial uses.

Despite the lack of existing industrial uses in the immediate vicinity, the communities near the Project are already highly polluted. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and vulnerability, the Project's census tract ranks worse than 91 percent of the rest of the state for pollution burden.¹⁰ The neighboring census tract, which borders the Project and is more representative of the impacted community, ranks worse than 98 percent of the rest of the state for pollution burden. The communities are particularly threatened by exposure to ozone, fine particulate matter, contaminated drinking water, contaminated groundwater, toxic cleanup sites, and solid waste. They also suffer from high rates of cardiovascular disease and babies being born with a low birth weight, both of which are indicators of exposure to—and make the community more vulnerable to the health impacts of—additional pollution. In addition, these neighborhoods are made up of between 74-80 percent people of color, with nearly half of the people in the area being Latinx.

³ *Id.* at 3.0-9.

⁴ *Id.* at 4.13-13, Table 4.13-9.

⁵ *Id.* at 3.0-4, Table 3.0-2.

⁶ *Id.* at 4.2-19 to 4.2-20, Table 4.2-7.

⁷ *Id.* at Exhibit 3.0-2.

⁸ *Id.* at 4.0-4 to 4.0-6, Exhibit 4.0-1.

⁹ Fontana Online Plans and Zoning Map, available at <http://web1.fontana.org/zoningviewer/>.

¹⁰ CalEnviroScreen 3.0, available at <https://oehha.ca.gov/calenviroscreen> (as of January 17, 2019). CalEnviroScreen is a tool created by the Office of Environmental Health Hazard Assessment that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. Office of Environmental Health Hazard Assessment, CalEnviroScreen 3.0 Report (January 2017), available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.

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This Project would add to the environmental pollution and health problems faced by the families that live nearby.



II. THE CITY FAILED TO SUFFICIENTLY MITIGATE THE PROJECT'S SIGNIFICANT AIR QUALITY AND GREENHOUSE GAS IMPACTS.

CEQA prohibits agencies from approving projects with significant environmental effects where there are feasible mitigation measures that would substantially lessen or avoid those effects.¹¹ The lead agency is expected to develop mitigation in an open public process,¹² and mitigation measures must be fully enforceable and cannot be deferred to a future time.¹³

Due to the substantial emissions generated by the Project's truck traffic, the EIR found significant and unavoidable air quality and greenhouse gas impacts.¹⁴ Specifically, the EIR determined that the Project's nitrogen oxide emissions would be nearly three times the significance threshold established by the South Coast Air Quality Management District (147.46 pounds per day versus the 55 pounds per day threshold).¹⁵ Nitrogen oxide is a primary precursor to formation of smog, and it causes respiratory problems like asthma, bronchitis, lung irritation, and lung cancer.¹⁶ With respect to greenhouse gas emissions, the Project would generate 15,588.05 metric tons of CO₂-equivalent emissions per year, well over the South Coast Air Quality Management District significance threshold for industrial and warehouse projects of 10,000 metric tons of CO₂-equivalent emissions.¹⁷



Despite these significant impacts, the EIR includes only four minimal operational mitigation measures:

- Tenants must have an employee ride-sharing program and provide subsidized mass transit vouchers;
- Access gates and loading docks must have signs requiring trucks to idle no longer than 5 minutes;
- The developer must make tenants aware of state funding opportunities to reduce emissions by providing tenants with literature supplied by the California Air Resources Board; and
- The employee parking lot must include at least two electric vehicle chargers.¹⁸

¹¹ Pub. Resources Code, sec. 21100, subd. (b)(3).

¹² *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

¹³ CEQA Guidelines, sec. 15126.4.

¹⁴ EIR at 4.2-16 to 4.2-17, 4.7-17.

¹⁵ *Id.* at 4.2-15 to 4.2-16, Table 4.2-6.

¹⁶ *Id.* at 4.2-17.

¹⁷ *Id.* at 4.7-13.

¹⁸ *Id.* at 4.2-16, 4.7-16 to 4.7-17.

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The EIR admits that these mitigation measures fail to reduce the air quality and greenhouse gas impacts to less than significant levels.¹⁹

CEQA prohibits the City from approving the Project if there are other feasible measures to reduce the Project’s impacts. The City has numerous options for further mitigating the Project’s impacts on local community health, regional air quality, and greenhouse gas emissions. For example, to target the main source of the problem—on-road truck emissions—the Project could establish fleet efficiency requirements for warehouse tenants, require zero-emission or near-zero-emission trucks, build electric infrastructure on-site to ease future transition to fleet electrification, or limit the number of trucks allowed on-site. To particularly target local impacts, the Project could require the use of electric-powered yard equipment on-site; require installation of indoor air filtration at the Project, nearby residences, and schools; establish mandatory truck routes to major streets and highways; limit operation days and times; or establish overnight parking and repair areas within the Project site to prevent truck encroachment into nearby residential areas. The City could also require the Project to meet Tier 1 or Tier 2 requirements under the California Green Building Standards Code. We also encourage the City to consult with the California Air Resources Board to identify further measures the City could take to feasibly reduce the Project’s air quality and greenhouse gas impacts.

Particularly given the Project’s location in a community of color that faces disproportionate levels of pollution and its close proximity to existing sensitive receptors and ongoing residential development, we urge the City to adopt all feasible measures to mitigate the Project’s significant environmental effects. Mitigation measures like those suggested above have been adopted by similar projects throughout Southern California. The Attorney General’s Office would be happy to provide any assistance it can as the City considers how best to mitigate the Project’s environmental impacts.

III. THE CITY FAILED TO ADEQUATELY ANALYZE THE PROJECT’S LAND USE IMPACTS.

An EIR must clearly set forth all significant effects of the Project on the environment. (Pub. Resources Code, § 21100, subd. (b)(1).) Both “[d]irect and indirect significant effects” should be “clearly identified and described,” considering “both the short-term and long-term effects.” (CEQA Guidelines, § 15126.2, subd. (a).) Here, the City evaluated the significance of the Project’s land use impacts by considering whether the Project “has the potential to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.”²⁰ The City determined that overall land use impacts would be less than significant after evaluating the Project’s consistency with the County of San Bernardino General Plan, the City of Fontana General Plan, the City’s Zoning and Development Code, and the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Community Strategy.

¹⁹ *Id.* at 4.2-16 to 4.2-17, 4.7-17.

²⁰ EIR at 4.10-8 to 4.10-17.



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However, the City should re-evaluate the Project's consistency with the relevant land use plans as the EIR does not disclose potentially significant impacts in at least four different areas.

First, Fontana's General Plan has several policies protecting residents from excessive industrial noise.²¹ On that subject, the EIR states that, "[f]rom an environmental justice standpoint, the proposed industrial development would not be located near noise-sensitive land uses, such as residences and schools, thereby limiting its impacts to Fontana's disadvantaged communities."²² That assertion is contradicted only 5 lines later, when the EIR notes that "[t]he closest noise-sensitive receptors to the Project Area are existing residential uses along Lytle Creek Road to the northeast and west of the Project area, approximately 150 to 760 feet away."²³ In addition to the closest residence being located a mere 150 feet away, further residential development is projected within 1,000 feet of the Project and a new school within a half-mile of the Project.²⁴ The EIR fails to explain how siting the Project near these noise-sensitive receptors is consistent with the City General Plan's requirement to minimize noise spillover from industrial uses into adjoining residential neighborhoods and noise-sensitive uses.²⁵ We encourage the City to more carefully analyze the Project's consistency with its General Plan policies.

Second, the City's General Plan, as well as SCAG's Regional Transit Plan, include goals and policies promoting active transportation. SCAG's plan includes goals to "[e]nsure travel safety and reliability for all people and goods in the region," "[p]rotect the environment and health for our residents by improving air quality and encouraging active transportation (e.g. bicycling and walking)," and "encourage land use and growth patterns that facilitate transit and active transportation."²⁶ And the City's General Plan includes policies to "facilitate safe and convenient access to transit, bicycle facilities, and walkways," "design roadways for all users," and "support designated truck routes that avoid negative impacts on residential and commercial areas[.]"²⁷ The EIR finds the Project is consistent with the goals to enhance safety and promote active transportation because the Project includes a short access road connecting the Project to a residential street and will add sidewalks along one short stretch of road west of the Project site.²⁸ The EIR justifies its failure to facilitate transit and active transportation by noting that "there are no nearby transit stops."²⁹ Further, the EIR claims that "[w]hile the Project itself, as a logistics facility development, would not improve air quality, it would not prevent SCAG from

²¹ 2015-2035 General Plan Update at 11.5, City of Fontana (Nov. 13, 2018), <https://www.fontana.org/2632/General-Plan-Update-2015---2035>.

²² EIR at 4.10-12.

²³ *Id.* (emphasis added).

²⁴ *Id.* at 4.0-4 to 4.0-6, Exhibit 4.0-1.

²⁵ Fontana General Plan, *supra* note 28, at 11.5; EIR at 4.10-11 to 4.10-12.

²⁶ EIR at 4.10-16.

²⁷ *Id.* at 4.10-10 to 4.10-11.

²⁸ *Id.* (City General Plan); *Id.* at 4.10-16 (SCAG RTP).

²⁹ *Id.* at 4.10-16.

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implementing actions that would improve air quality within the region.”³⁰ That logic is strained, at best. Expecting another agency to improve air quality or change transit routes sometime in the future is not sufficient to demonstrate consistency with regional goals to “facilitate transit” and “improv[e] air quality.” The Project could include, for example, alternative options for encouraging mobility both for future employees and nearby residents such as bicycle lanes or shuttles to the nearest transit stops. Further, the Project is inconsistent with the regional goal to improve air quality because, as the EIR itself finds, it would actually have significant adverse impacts on air quality.³¹ Again, we encourage the City to evaluate its consistency with relevant plans more carefully.

Third, the EIR fails to consider the Project’s consistency with the mitigation measures in the final EIR for Fontana’s General Plan. For example, the Fontana General Plan contains 24 mitigation measures related to air quality, most of which should apply to the Project.³² Those measures set requirements for building efficiency standards, on-site equipment, and preferential vanpool parking, among others.³³ The EIR should clarify whether those requirements have been incorporated into the Project design, and, if not, explain why the Project is inconsistent with these mitigation measures. Moreover, the Project demonstrates the failure of MM-AQ-24 in Fontana’s General Plan to protect the City’s residents from the health impacts of warehouse development near sensitive receptors. MM-AQ-24 bars large warehouse projects from being located within 1,000 feet of sensitive receptors unless warehouse operation would not violate certain South Coast Air Quality Management District (SCAQMD) significance thresholds. This Project easily satisfies the measure’s definition of a large warehouse project and it would emit nearly triple the SCAQMD threshold for nitrogen oxide, yet it does not violate MM-AQ-24 because it does not exceed the specific significance thresholds identified by the measure.³⁴ If this Project—a nearly 1.2 million square-foot warehouse sited 150 feet from the nearest sensitive receptor—does not implicate MM-AQ-24’s policy to site large warehouses away from sensitive receptors, few projects will. In Fontana’s CEQA analysis of its General Plan, the City relied on MM-AQ-24 to address the community’s concern about the volume of warehouses and truck

³⁰ *Id.*

³¹ See Section II, *supra*.

³² Fontana General Plan Update 2015-2035, Final Environmental Impact Report, at Table 2-2, 2-4 to 2-6, <https://www.fontana.org/DocumentCenter/View/29525/Final-Environmental-Impact-Report-for-the-General-Plan-Update>.

³³ They also encompass nearly all of the air quality and greenhouse gas mitigation measures in this Project’s EIR. Compliance with external regulations and requirements is a baseline expectation, not a project-specific mitigation measure.

³⁴ By its terms, MM-AQ-24 applies only if an individual project’s PM₁₀ emissions would increase the cancer risk by more than 10 cases in 1 million or would have a chronic & acute hazard index figure of more than 1 in 1 million. These significance thresholds do not consider the impacts of nitrogen oxide or other, non-PM₁₀ emissions.

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routes being located near residences and schools. As illustrated by this Project, however, MM-AQ-24 fails to address those community concerns.³⁵

Finally, the City considers only the currently adopted 2007 San Bernardino County General Plan for its consistency analysis. The County released a draft General Plan Update in May 2019. We encourage the City to consider adopting some of the proposed policies in the County's draft General Plan Update in order to mitigate the impacts of this Project. Furthermore, given the possibility the County's draft Plan Update could be approved before this EIR is certified, and that the City may then be required to recirculate this EIR if additional policies or mitigation measures become applicable, the City should consider reviewing the Project's consistency with the draft General Plan Update in addition to the current 2007 General Plan. (CEQA Guidelines, § 15088.5.) The County's draft General Plan Update includes several environmental justice policies pursuant to SB 1000.³⁶ For example, Policies HZ-3.12 and HZ-3.14 provide detailed public notice and outreach procedures for projects near environmental justice communities.³⁷ The County's draft General Plan Update also includes policies designed to reduce Vehicle Miles Traveled (VMT), and to assess transportation impacts via that metric, rather than the outdated Level of Service metric currently used by the City and required to be phased out by January 2020 under SB 743.³⁸ In addition, the County's treatment of annexation could change with the new General Plan Update. As noted in the EIR, the County's 2007 General Plan policies "are designed to encourage annexations or incorporations[.]"³⁹ However, the draft General Plan Update takes a more protective approach and includes a policy to "oppose annexations when future planned land uses for the proposed annexation area would be incompatible with the remaining adjacent unincorporated lands."⁴⁰ We urge the City to consider whether the Project's placement so close to sensitive receptors in residential areas near the site

³⁵ The Attorney General also raised MM-AQ-24's failure to consider the cumulative impacts of multiple projects on sensitive receptors in its comments on Fontana's Draft General Plan Update. See Attorney General Comments on Fontana Draft General Plan Update, at 4, <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/sb1000-letter-fontana.pdf>.

³⁶ See Environmental Justice Background Report, County of San Bernardino (11/26/2018), http://countywideplan.com/wp-content/uploads/2018/11/EJ-Legacy_CWP_BackgroundReport_FinalDraft_20181126.pdf; see also SB 1000 - Environmental Justice in Local Land Use Planning, California DOJ, <https://oag.ca.gov/environment/sb1000>.

³⁷ Draft Countywide Policy Plan at Goal HZ-3 (Environmental Justice), County of San Bernardino (May 2019), http://countywideplan.com/wp-content/uploads/2019/05/CWP_PolicyPlan_PubReviewDraft_20190515.pdf.

³⁸ See, e.g., *id.* at Policy NR-1.1 ("We promote compact and transit-oriented development countywide and regulate the types and locations of development in unincorporated areas to minimize vehicle miles traveled and greenhouse gas emissions."); *id.* at Goal TM-3 (Vehicle Miles Traveled); see also Countywide Plan DEIR at 5.16-1 & 5.16-59, County of San Bernardino (June 2019), <http://countywideplan.com/eir/>.

³⁹ EIR at 4.10-8.

⁴⁰ Draft Countywide Plan, *supra* note 33, at 10, Policy LU-3.2.

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would be consistent with the draft County General Plan's policies discouraging adjacent incompatible uses.

By failing to adequately identify and address inconsistencies with applicable local land use plans and policies, the EIR fails to inform the public of the potentially significant land use impacts. An EIR that fails to disclose a significant environmental impact, "preclud[ing] informed decisionmaking and informed public participation," is invalid. (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 942.) We urge the City to correct its land use impact analysis to disclose the Project's significant land use impacts and adopt all feasible mitigation measures.

IV. THE CITY HAS ARTIFICIALLY NARROWED ITS PROJECT OBJECTIVES AND IMPROPERLY DISCARDED REASONABLE ALTERNATIVES.

CEQA requires an EIR to identify "alternatives" to the proposed project. (Pub. Resources Code § 21002.1(a).) The EIR must "describe a range of reasonable alternatives ... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines § 15126.6, subd. (a).) The alternatives analysis must also "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines § 15126.6, subd. (d).) "Evaluation of project alternatives and mitigation measures is the core of an EIR." (*Banning Ranch*, 2 Cal.5th at p. 937 (alterations omitted).) Discussion of alternatives allow governmental agencies to consider alternatives to proposed actions affecting the environment. (*Laurel Heights Improvement Ass'n. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 400 (en banc) (citing Pub. Resources Code § 21001, subd. (g)).) To consider alternatives under CEQA, an EIR measures the chosen alternatives' environmental impacts against the Project's. Selected alternatives must be able to meet some of the basic Project objectives, (CEQA Guidelines § 15126.6, subd. (a).) though they need not meet all objectives, (*Watsonville Pilots Ass'n. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1087 ("It is virtually a given that the alternatives to a project will not attain all of the project's objectives."))

Nonetheless, "a lead agency may not give a project's purpose an artificially narrow definition" to limit the scope of acceptable alternatives. (*N. Coast Rivers All. v. Kawamura* (2015) 243 Cal. App. 4th 647, 668.) We are concerned that this is what the City has done here. The EIR defines six objectives for the Project, and all are directed toward placement of a large warehouse at the Project site.⁴¹ Objectives 2, 5 and 6 expressly state this purpose:

⁴¹ Note that the EIR's numbering of the project objectives is internally inconsistent. In Chapter 3, the EIR skips from Objective 4 to Objective 6 (EIR at 3.0-15), but correctly numbers them in the Alternatives discussion in Chapter 8 (EIR at 8.0-3). We adopt Chapter 8's numbering here for consistency in discussing the Alternatives section.

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“Objective 2: Improve area circulation via the realignment of Lytle Creek Road.”

“Objective 5: Development of a logistics facility that takes advantage of the proximity to I-15 and proximity to nearby commercial/industrial uses.”⁴²

“Objective 6: Development of a logistics facility that is economically viable and provides long term fiscal benefits to the City.”

The EIR repeatedly finds that the alternative of residential development on the Project site would not meet the Project’s objectives because it “would not establish any logistics or warehousing uses.”⁴³ And relocation of the Project to an alternate site would not meet the narrow objective to realign Lytle Creek Road.⁴⁴ The EIR’s narrow definition of Project objectives is particularly dubious given the drastic difference between the proposed Project and the existing community character. For example, all other development in the area is residential or supportive of residential uses.⁴⁵ And the projected use for the Project area in both the no-project alternative (e.g. the area remains subject to the County’s existing zoning) or the annexation-only alternative (e.g. the area becomes subject to the City’s zoning) would result in residential development.⁴⁶ Fontana’s stated objective to develop warehouses in the area is also contradicted by its recent approval of significant residential developments nearby.⁴⁷ Moreover, the EIR concedes that residential development alternatives would “be financially viable and would provide long-term fiscal benefits to the City.”⁴⁸

The Project’s objectives are not only so artificially narrow as to preclude development of alternative uses on the Project site, but they also require placement of the largest possible warehouse on the site. One alternative considered in the EIR is a “reduced project” alternative.⁴⁹ This alternative would construct an 877,000 square-foot warehouse on the Project site instead of



⁴² While the EIR asserts the Project meets this objective to “take advantage of nearby commercial/industrial uses,” all development in the immediate vicinity of the Project site is residential or supportive of residential uses. EIR at 3.0-12 (“The Logistics Site is surrounded by commercial, rural residential, and vacant land to the north, vacant land to the south, I-15 and vacant land to the east, and open space to the west.”). The EIR does not explain the basis for its conclusion that the Project site is near commercial and industrial uses.

⁴³ EIR at 8.0-5 (rejecting from consideration the “annexation only” alternative).

⁴⁴ *Id.* (rejecting from consideration an “alternative site” alternative).

⁴⁵ See note 41, *supra*.

⁴⁶ EIR at 8.0-5 (annexation-only alternative would result in development of 227 dwelling units); *id.* at 8.0-6 (no project alternative would result in development of 132 dwelling units).

⁴⁷ *Id.* at Table 4.0-1 & Exhibit 4.0-1 (showing at least 15 reasonably foreseeable residential projects being developed in the City of Fontana).

⁴⁸ *Id.* at 1.0-39 (discussing the no project alternative).

⁴⁹ *Id.* at 8.0-13.

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a 1.2 million square-foot warehouse.⁵⁰ In addition to reducing air quality⁵¹ and greenhouse gas impacts,⁵² the reduced project alternative would have the benefit of avoiding destruction of a historic stone house, reducing the Project's otherwise significant and unavoidable impacts to cultural resources.⁵³ Despite these benefits and the fact that the reduced project alternative would still construct a warehouse, the EIR finds that this alternative does not satisfy at least four of the six objectives because it "would not take full advantage" of the Project site.⁵⁴

Project objectives must be defined to "serve the requisite purpose of assisting in the development and evaluation of a reasonable range of alternatives to the [Project]." (*California Oak Found. v. Regents of Univ. of California*, 188 Cal. App. 4th 227, 273 (2010).) By artificially narrowing the objectives such that only a very large warehouse on the exact Project site will satisfy the objectives, the EIR rejects feasible alternatives without proper consideration or evaluation. Along with mitigation measures, evaluation of project alternatives is "the core of an EIR." (*Banning Ranch*, 2 Cal.5th at p. 937 (quoting *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)) CEQA procedures are designed to assist public agencies in "identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (*Id.*) Here, the EIR rejects without consideration feasible alternatives such as an annexation-only approach where the City annexes the project site but does not rezone it for warehouse use, which the City concedes would be in the City's financial interests and would be less environmentally impactful.⁵⁵ The EIR's overly narrow definition of objectives to preclude all but the largest possible warehouse at the Project site deprives both the public and decisionmakers of information necessary to properly evaluate the impacts of the project and alternatives which may reduce those impacts. The City should revise its project objectives and alternatives analysis in order to comply with CEQA's directives.

V. THE CITY MUST CLARIFY ASSUMPTIONS IN ITS NOISE ANALYSIS.

Finally, the EIR should clarify its noise analysis to explain the gulf between existing and opening year traffic and noise. The EIR's noise study measured existing (2018) traffic and noise levels on Lytle Creek Road, and it also projected opening year (2020) traffic and noise levels. According to Table 4.11-5 in the EIR, existing average daily traffic on Lytle Creek Road ranged from 180 to 400 vehicles, and noise at 75 feet from the roadway ranged from 50.2 to 53.7 dBA.⁵⁶ However, according to Table 4.11-12, opening year average daily traffic along the same road without the project ranged from 3,700 to 7,840 vehicles, and noise at 75 feet from the roadway

⁵⁰ *Id.*

⁵¹ *Id.* at 8.0-14 ("A 25.4 percent reduction in building development would result in an estimated 109.37 pounds per day of NOx emissions[.]").

⁵² *Id.* at 8.0-16 (noting GHG emissions would be reduced by almost 4,000 MTCO₂eq per year).

⁵³ *Id.* at 8.0-15.

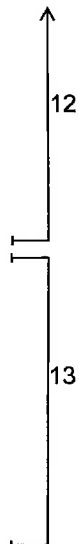
⁵⁴ *Id.* at 8.0-18 to -19.

⁵⁵ *Id.* at 1.0-41

⁵⁶ *Id.* at 4.11-12.

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ranged from 63.3 to 66.7 dBA.⁵⁷ Because the opening year baseline is so high, the EIR finds the increase in noise from the Project to be less than significant. However the EIR neglects to explain why average daily traffic will grow by a factor of 20 in the two years between 2018—when existing noise levels were measured—and 2020—the Project opening year.⁵⁸ To properly disclose the basis for the EIR’s conclusion that the Project’s noise impacts would be less than significant, the EIR must provide a justification for the discrepancy in baseline conditions between the existing and opening years.



VI. CONCLUSION

CEQA promotes public health and thoughtful governance by requiring evaluation, public disclosure, and mitigation of a project’s significant environmental impacts before project approval. When implemented well, CEQA builds public trust and encourages sustainable development that will serve the local community for years to come. We urge the City to revise the EIR and Project to adopt all feasible air quality and greenhouse gas mitigation, disclose and mitigate the Project’s significant land use impacts, properly analyze alternatives, and clarify the noise analysis. We are available to provide assistance to the City as it works to comply with CEQA. Please do not hesitate to contact me if you have any questions or would like to discuss.

Sincerely,

ROBERT SWANSON
Deputy Attorney General

MEREDITH HANKINS
Deputy Attorney General

For XAVIER BECERRA
Attorney General

⁵⁷ *Id.* at 4.11-22.

⁵⁸ The text in the noise section discussing opening year refers to the opening year as 2018, but the rest of the EIR states that the Project’s opening year is 2020. We assume that 2020 is the correct year, and that the reference to 2018 is a mistake. If the 2018 date is not erroneous, however, the EIR’s need to explain the growth in baseline traffic and noise levels in such a short period is only heightened.



Figure 1: Approved Developments Near Project Site

RESPONSE NO. 7

Robert Swanson, Deputy Attorney General
 Meredith Hankins, Deputy Attorney General
 State of California Department of Justice
 September 27, 2019

- 7-1 This comment provides a general summary of the California Attorney General's Office comments on the Draft EIR. Responses to specific comments are provided below.
- 7-2 The commenter argues that the Project would site a large warehouse in a highly-polluted residential area and would add to the environmental pollution and health problems faced by families that live nearby. Refer to Response to Comments 5-2 through 5-4.
- 7-3 The commenter argues that the City failed to sufficiently mitigate the Project's significant air quality and greenhouse gas impacts and states that there are additional feasible measures to reduce the Project's air quality and greenhouse gas (GHG) impacts. Refer to Response to Comments 3-10, 5-10, and 5-11 for a discussion of Project-related air quality impacts. Further, the *I-15 Logistics Center Alternative – Greenhouse Gas Technical Memorandum* (GHG Memo), prepared by Michael Baker International (dated March 25, 2020), determined the Proposed Project would not result in significant GHG impacts with implementation of Mitigation Measures GHG-1 and AQ-4; refer to Section 3.0, Errata.

Additional suggested mitigation measures provided by the commenter include limiting the operation days and times; requiring installation of indoor air filtration at the project and surround sensitive uses; and electric powered yard equipment. As shown in Table 4.2-6, Unmitigated Long-Term Operational Emissions of the DEIR, the nitrous oxide (NOx) daily threshold exceedance would primarily be due to mobile source emissions. Mobile source emissions are based on the project's daily trips which are based on the square footage of the warehouse, and not operational duration. Therefore, limiting the project's operational days and times would not decrease NOx emissions. As discussed on page 4.2-23, the health risk assessment determined vehicle diesel particulate matter would result in a less than significant impact. As such, installation of indoor air filters would not be necessary. Finally, landscaping equipment emissions are primarily regulated by federal and state engine emissions standards. The California Air Resources Board is currently considering phasing out all gas powered landscaping equipment by 2022. Further, the South Coast Air Quality Management District currently offers incentives to replace gasoline-powered landscaping equipment: the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program and the Electric Lawn Mower Program. Thus, it is highly likely that gas powered landscaping equipment will be phased out prior to or shortly after the project Opening Year. No changes are necessary in this regard.

- 7-4 The commenter argues that the City should re-evaluate the Project's consistency with the relevant land use plans "as the EIR does not disclose potentially significant impacts in at least four different areas." Responses to specific comments are provided below in Response to Comments 7-5 through 7-8.
- 7-5 The commenter states that the Draft EIR is contradictory related to distances referenced in Table 4.10-4- City of Fontana General Plan Consistency Analysis. The first distance referenced by the commenter is the distance from the nearest residence to the Lytle Creek Road re-alignment. The second distance is from the project boundary to the nearest residence.

The commenter also states that the Draft EIR fails to explain how siting the Project near noise-sensitive receptors is consistent with the City's General Plan requirement to minimize noise spillover from industrial uses into adjoining residential neighborhoods and noise-sensitive uses. However, the comment does not identify any specific error in the Draft EIR's noise impact analysis. As noted on page 4.11-4 of the Draft EIR, sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Thus, as stated on pages 4.11-19 through 4.11-26 of the Draft EIR, Project-generated construction and operational noise levels would result in a less than significant impact, including at the nearest sensitive receptors, due to the sound attenuation from the Project noise source (6 dB per doubling of distance) and the nearest sensitive receptors. Therefore, the Project would not result in "noise spill over from industrial uses into adjoining residential neighborhoods and noise-sensitive uses" that would cause a significant impact. No changes are necessary in this regard.

- 7-6 The commenter states that "expecting another agency to improve air quality or change transit routes in the future is not sufficient to demonstrate consistency with regional goals to 'facilitate transit' and 'improv[e] air quality.'" As noted in Table 4.10-5, *SCAG Consistency Analysis*, "While the Project itself, as a logistics facility development, would not improve air quality, it would not prevent SCAG from implementing actions that would improve air quality within the region." In determining consistency with a general plan, agencies must balance competing policies. Individual projects are considered consistency with an agency's general plan when it is "at least compatible with" the general plan's policies and will "not obstruct their attainment." (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 17; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.) Thus, no changes are necessary in this regard.

The commenter also suggests the EIR include alternative options for encouraging mobility for future employees and nearby residents such as bicycle lanes or shuttles to nearby bus stops. However, as described on page 4.13-25, the Project will not result in impacts associated with transit, bicycle, or pedestrian facilities, and the Project would be required to adhere to applicable City standards that support or facilitate alternative modes of transportation. Further, Mitigation Measure GHG-1 does require ride-sharing programs and a public transit incentive program. No changes are necessary nor required in this regard.

- 7-7 The commenter states the Draft EIR fails to consider the Project's consistency with the air quality mitigation measures included in the Final EIR (released August 10, 2018) for the City's General Plan. Specifically, the commenter requests that the Draft EIR clarify whether the General Plan mitigation measures have been incorporated into the Project design, and if not, explain why the Project is inconsistent with those mitigation measures. It is acknowledged that the City's General Plan EIR does contain a number of recommended mitigation measures for future development projects. The Draft EIR includes several of the recommended mitigation measures related to air quality. For example, consistent with recommended MM-AQ-14 of the Final EIR for the City's General Plan, Draft EIR Mitigation Measure AQ-1 would implement dust control techniques (i.e., daily watering), limitations on construction hours, and adherence to SCAQMD Rules 402 and 403 (which require watering of inactive and perimeter areas, track-out requirements, etc.) to reduce PM₁₀ and PM_{2.5} concentrations. Consistent with recommended MM-AQ-5 of the Final EIR for the City's General Plan, Draft EIR Mitigation Measure AQ-3 would ensure the project applicant makes all Logistics Facility tenants aware of funding opportunities, such as the Carl Moyer Memorial Air Quality Standards Attainment Program and other similar funding opportunities, by providing

applicable literature on such funding opportunities as available from the California Air Resources Board. No changes are necessary nor required in this regard.

- 7-8 The commenter expresses concern that the Draft EIR incorporates the 2007 San Bernardino General Plan for its land use consistency analysis rather than the County's Draft Countywide Plan (released in May 2019). However, when planning processes have not resulted in the adoption of plans or regulations relating to the environment, CEQA does not require an analysis of consistency. (See *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145.) While Draft EIR Section 4.10, *Land Use and Planning*, discloses that the County is currently in the process of updating its General Plan as the Countywide Plan, the County's current 2007 General Plan is incorporated into the Draft EIR's Land Use and Planning analysis since the County of San Bernardino has not yet scheduled hearings to consider adoption of the Countywide Plan. No changes are necessary in this regard.

The commenter urges the City to consider whether the Project's location near sensitive receptors in residential areas near the site would be consistent with the County General Plan's policies discouraging incompatible uses. As noted in Draft EIR Impact 4.10-2, the Project Area is located within unincorporated San Bernardino County and the City of Fontana's sphere of influence (SOI). The Project would annex a total of 21 parcels and portions of roadway right-of-way (ROW) encompassing the 152-acre Project Area into the City's jurisdiction. The Project also proposes a SOI amendment to incorporate a 2.14-acre area of the Project Area (Assessor's Parcel Number [APNs] 0239-014-15 and portions of APNs 0239-091-13 and -14, and westerly ROW of Lytle Creek Road) into the City's existing SOI to be annexed together as part of the 152-acre Project Area into the City of Fontana. Thus, Draft EIR Table 4.10-3, *County General Plan Consistency Analysis*, analyzes the Project's consistency with applicable policies related to annexations and cities' sphere of influence areas from the County's General Plan.

Upon approval of the SOI amendment and annexation, development of the Project Area would be under the purview of the City's General Plan and land use plan. As a result, Draft EIR Table 4.10-4, *City of Fontana General Plan Consistency Analysis*, analyzes the Project's consistency with applicable policies from the City's General Plan.

Last, the commenter claims the EIR fails to inform the public of potentially significant land use impacts by failing to adequately identify and address inconsistencies with applicable local land use plans and policies. Refer to the responses above.

- 7-9 The commenter expresses concern that the Project's purpose is too narrow and therefore limits the scope of acceptable alternatives. CEQA Guidelines Section 15124(b) requires a project description to include "a statement of the objectives sought by the Proposed Project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits." As a result, Section 3.3, *Project Objectives*, of the Draft EIR includes seven objectives intended to describe the Project's underlying purpose (i.e., development of an industrial logistics facility). It is not necessary nor required under CEQA to include project objectives which allow for alternative land uses on the Project site.

In compliance with CEQA Guidelines Section 15126.6(a), Draft EIR Section 8.0, *Alternatives*, presents two alternatives to the I-15 Logistics 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. In accordance with CEQA Guidelines Section 15126.6(c), two additional alternatives were considered but were not carried forward for additional analysis since they would not accomplish most of the basic objectives of the Project or were 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 as there are limited sites within the City that could accommodate the Logistics Facility, specifically sites located near major transportation corridors. Although a residential development only alternative may avoid or lessen the Project’s significant effects, this alternative would not achieve the Project’s underlying purpose or the majority of the Project objectives. Alternatives that cannot achieve a project’s underlying purpose do not need to be analyzed in an EIR.

The commenter states that the Draft EIR does not explain the basis for the conclusion that the Project site is near commercial and industrial uses. Draft EIR Objective 5 reads “Development of a logistics facility that takes advantage of the proximity to I-15 and proximity to nearby commercial/industrial uses.” As noted in the commenter’s footnote 42, the Logistics Site is surrounded by commercial, rural residential, and vacant land to the north, vacant land to the south, I-15 and vacant land to the east, and open space to the west. The requested clarification has been made to page 3.0-12 of the Draft EIR and is reflected below and in Section 3.0, Errata, of the Final EIR.

Page 3.0-12, Section 3.2.1, Setting and Existing Conditions Overview, Last Paragraph

The Logistics Site is surrounded by ~~commercial~~, rural residential, and vacant land to the north, vacant land and I-15 to the south, I-15, commercial uses and vacant land to the east, and open space and rural residential to the west.

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

There are also existing industrial uses approximately 0.5-mile to the northeast of the Project. As a result, the City affirms the Project site is located near the commercial and industrial uses.

Based on the responses above, the City affirms that the stated Project objectives are conducive to a reasonable range of alternatives to the Proposed Project.

- 7-10 The commenter expresses concern with the Draft EIR’s determination that the “Reduced Project” Alternative would not fully attain four of the six Project objectives despite reducing impacts related to air quality, greenhouse gas emissions, and cultural resources. It is noted that the Reduced Project Alternative was identified as the environmentally superior alternative to the Proposed Project in Draft EIR Section 8.6, *Environmentally Superior Alternative*. As concluded in Draft EIR Section 8.6, this alternative would achieve the Project objectives to a lesser extent for Objective 3 (Facilitate goods movement for the benefit of local and regional economic growth), Objective 4 (Increase temporary and permanent employment opportunities while improving the local balance of housing and jobs), Objective 5 (Development of a logistics facility that takes advantage of the proximity to I-15 and proximity to nearby commercial/industrial uses) and Objective 6 (Development of a logistics facility that is economically viable and provides long term fiscal benefits to the City) based on its reduced size. The City of Fontana will consider this information during Project deliberations.

In addition to the “Reduced Project” Alternative’s inability to achieve the majority of Project objectives to the same extent as the Project, the “Reduced Project” Alternative is also infeasible because it is impractical and undesirable from a policy standpoint. See *Los Angeles Conservancy v. City of W. Hollywood*, 18 Cal. App. 5th 1031, 1041 (2017).

In particular, the “Reduced Project” Alternative would result in an incompatibility between the modern logistics facility and the stone house at 4055 Lytle Creek Road. As established in the City of Fontana General Plan Community and Neighborhoods Element, Fontana policy with respect to historic structures is as follows: “Goal 1: The integrity and character of historic structures, cultural resources sites and overall historic character of the city of Fontana is maintained and enhanced.” The “Reduced Project” Alternative would not involve demolition of the stone house at 4055 Lytle Creek Road, which would remain under this Alternative. As stated on page 8.0-15 of the Draft EIR, however, the integrity and character of the historic structure would be materially altered as it would be substantially surrounded by warehousing uses, including a logistics center, parking lots, and access roadways. The retention of the stone house as envisaged by the “Reduced Project” Alternative would not be consistent with the City’s policy to maintain and enhance the integrity and character of historic structures. The retention of the stone house along with the construction of the “Reduced Project” Alternative would create an historic incompatibility. In addition, the “Reduced Project” Alternative would create aesthetic conflict due to the inconsistent visual character of the warehousing uses and the stone house. Therefore, based on policy considerations associated with historic and aesthetic compatibility, the “Reduced Project” Alternative would not be feasible.

The “Reduced Project” Alternative would also not be consistent with City of Fontana General Plan policies relating to economic development. The Economy, Education, & Workforce Development Element establishes “Goal 1: Promote a diversified economy that builds on existing sectors and develops, attracts and retains future job-creating sectors.” The Land Use, Zoning, and Urban Design Element establishes “Goal 2: Fontana development patterns support a high quality of life and economic prosperity.” Goal 2 includes the following policy: “Locate industrial uses where there is easy access to regional transportation routes.” The Land Use, Zoning, and Urban Design Element also establishes “Goal 5: High-quality job-producing industrial uses are concentrated in a few locations where there is easy access to regional transportation routes.” The “Reduced Project” Alternative would create a smaller logistics facility than the Project. As stated on page 8.0-10 of the Draft EIR, the smaller facility would create fewer job opportunities and would facilitate less goods movement than the Project, which would impede the City’s economic prosperity. The “Reduced Project” Alternative would also prevent the desired concentration of industrial uses where there is easy access to regional transportation routes as the development of a smaller facility would preclude development of a larger, more concentrated facility at the site. Accordingly, the “Reduced Project” Alternative would be infeasible due to its inconsistency with the City’s economic development goals and policies.

- 7-11 The comment takes issue with the Draft EIR’s rejection of the “Annexation Only” Alternative. Section 8.0 of the Draft EIR has been revised to fully analyze the Annexation Only Alternative. The requested clarification has been made to page 8.0-19 of the Draft EIR and is reflected below and the analysis of the Annexation Only Alternative is found within Section 3.0 of the Final EIR.

Page 8.0-19, Beginning After Section 8.5, "Reduced Project" Alternative

8.6 "Annexation Only" Alternative**DESCRIPTION OF THE ALTERNATIVE**

As discussed in Section 3.0, the Proposed Project includes the development and operation of a 1,175,720-square foot logistics facility on approximately 76 acres (Logistics Site); the realignment of a segment of Lytle Creek Road; the annexation of 152 acres (Annexation Area or Project Area), inclusive of the 76-acre Logistics Site; and the related Project components and entitlements. The 152-acre Project Area would be annexed to the City of Fontana and developed under the jurisdiction of Fontana pursuant to its General Plan, zoning, and development standards. The City's SOI, as shown in the City's General Plan, includes most but not all of the Project Area, with the exception of approximately 2.14 acres, located north of the Lytle Creek Road as shown in Exhibit 3.0-4, Sphere of Influence and Annexation Area. To annex these parcels into the City, an expansion of the City's SOI is proposed to add these parcels into the Project Area.

Under the Annexation Only Alternative, the 152-acre Project Area would be annexed to the City and would be developed pursuant to its Fontana General Plan, Zoning, and development standards. As indicated on Exhibit 3.0-6A, Pre-Zoning Designations, the City of Fontana has pre-zoned the Project Area as follows:

- Residential Estate [R-E];
- Public Utility Corridor [P-UC]; and,
- General Commercial [C-G].

As indicated in Table 3.0-6, Current General Plan Land Use Designations and depicted on Exhibit 3.0-15, Existing General Plan Land Use Designations, the City of Fontana designates the Project site as Residential Estate (R-E) and Public Utility Corridor (P-UC). This alternative assumes that the 2.14 acres of property that is not-designated and pre-zoned would be slated for Residential Estate [R-E] development, consistent with surrounding pre-zoning. As a result, the proposed logistics facility and related Project components and entitlements would not be implemented under this alternative.

The following discussion evaluates the potential environmental impacts associated with the Annexation Only Alternative, as compared to impacts from the Project.

IMPACT COMPARISON TO THE PROPOSED PROJECT**Aesthetics and Visual Resources**

Under the Annexation Only Alternative, the majority of the Annexation Area would be developed in accordance with the site's existing R-E zoning. PU-C and C-2 uses would be permitted in the northeast portion of the Project site. Conversely, the Proposed Project includes a change of zone on approximately 76 acres of the Project Area from R-E to Light Industrial (M-1) (Option 1) or Regional Mixed Use (RMU) with a Warehouse Distribution Overlay (Option 2) in order to accommodate the Logistics Site; refer to Exhibit 3.0-6B and Exhibit 3.0-6C. According to the City of Fontana Zoning Code, the R-E zone is a

single-family zoning district that permits low density residential uses, as well as accessory agricultural uses.

Development occurring in accordance with the Annexation Area's existing zoning would be less intensive than the Proposed Project. As a result, the Annexation Only Alternative would reduce the Project's less than significant impacts to scenic resources (i.e., views of the foothills of the San Gabriel Mountains). Both the Annexation Only Alternative and the Proposed Project would have no impact on scenic resources within a scenic highway, since no scenic highways exist within the vicinity of the Project site. The Annexation Only Alternative would better preserve the existing visual character or quality of the Project site as it would facilitate similar development to existing conditions (i.e., a rural community with large vacant areas and widely dispersed houses) and would decrease the potential for the introduction of additional sources of light or glare. The Annexation Only Alternative would have similar less than significant impacts to visual character/quality in this regard.

Air Quality

Under the Annexation Only Alternative, the majority of the Annexation Area would be developed in accordance with the site's existing R-E pre-zoning. Based on reduced development intensity of this zoning designation, the Annexation Only Alternative would substantially reduce and/or avoid the Proposed Project's short-term construction and long-term operational impacts to air quality. This Alternative would also likely be consistent with the 2016 AQMP. Thus, the Proposed Project's significant and unavoidable long-term operational air emissions and cumulative operational emissions would be eliminated under this alternative.

The Annexation Only Alternative would be environmentally superior to the Project regarding air quality, given it would substantially reduce and/or avoid the Project's significant and unavoidable impacts pertaining to long-term operational air emissions and cumulative operational emissions, and would maintain consistency with the 2016 AQMP.

Biological Resources

Based on reduced development intensity allowed under the site's existing pre-zoning, the Annexation Only Alternative would reduce the Project's mitigated less than significant impacts to special status plant, wildlife species, and sensitive vegetation communities. The Annexation Only Alternative would also likely reduce the Project's less than significant impacts to federally protected wetlands. As a result, the Annexation Only Alternative would be environmentally superior to the Proposed Project regarding biological resources, given that it would lessen the intensity of development on the Project site.

Cultural Resources

The Annexation Only Alternative would avoid the Project's significant and unavoidable impacts to historic resources, as it would not involve demolition of the stone house at 4055 Lytle Creek Road. As discussed in Section 4.4, no archaeological resources were recorded on the Project site during the field investigation, and none are known to occur on-site. Nonetheless, any construction activities would have the potential to disturb unknown archaeological resources on-site, if present. As a result, the Annexation Only Alternative would result in similar less than significant impacts to archaeological resources with Mitigation Measure CR-2 and CR-3. Overall, this alternative would be environmentally

superior to the Project, given that it would avoid the Project's significant and unavoidable impacts to historic resources.

Energy

Compared to the Proposed Project, impacts from energy usage related to electricity and natural gas consumption under the Annexation Only Alternative would be commensurately reduced given that development intensity allowed under the site's existing pre-zoning designation would be reduced. Demands for electricity and natural gas would be proportionally reduced. Thus, the Annexation Only Alternative would result in similar less than significant energy demands as compared to the Proposed Project.

Geology and Soils

None of the geologic conditions or hazards affecting the Project site would be altered as a result of the Annexation Only Alternative. Development associated with the Annexation Only Alternative could require deeper excavations in older finer-grained Quaternary deposits. These activities have the potential to encounter significant remains of fossil vertebrates. As a result, the Annexation Only Alternative would result in similar less than significant impacts to paleontological resources with implementation of Mitigation Measures GEO-2 and GEO-3.

However, the reduced intensity of development permitted under the site's existing zoning would proportionally reduce the number of person's exposed to potential adverse effects associated with seismic, geologic, and soil hazards. It should be noted, however, that development consistent with the site's existing R-E pre-zoning would introduce housing to the area. The Annexation Only Alternative would result in less than significant impacts similar to the Proposed Project in this regard.

Greenhouse Gas Emissions

As the majority of the Annexation Area would be developed in accordance with the site's existing R-E pre-zoning under the Annexation Only Alternative, this alternative would proportionally reduce the amount of GHG emissions anticipated under the Proposed Project. The Proposed Project would result in less than significant GHG emissions and would conflict with the 2016 AQMP with implementation of Mitigation Measures GHG-1 and AQ-4. GHG emissions would be substantially reduced under the Annexation Only Alternative. Thus, this alternative would not be required to implement Mitigation Measure GHG-1 and AQ-4 to reduce the Annexation Only Alternative's GHG emissions below SCAQMD's threshold. As a result, the Annexation Only Alternative would result in similar less than significant impacts from GHG emissions.

Hazards and Hazardous Materials

None of the hazards and hazardous materials affecting the Project site would be altered as a result of the Annexation Only Alternative. However, none of the existing buildings on-site would be demolished under the Annexation Only Alternative. As a result, the Annexation Only would avoid the Project's (mitigated) less than significant impacts regarding foreseeable upset and accident conditions involving the release ACMs or LBP into the environment. Like the Proposed Project, the Annexation Only Alternative would not involve significant impacts related to emitting or handling hazardous materials within

one-quarter mile of a school, hazardous materials sites compiled pursuant to Government Code Section 65962.5 and airport-related hazards, since these hazards do not affect the Project site; refer to Section 4.7, Hazards and Hazardous Materials.

Hydrology and Water Quality

Based on the reduced development intensity allowed under the site's existing pre-zoning, the Annexation Only Alternative would proportionally reduce the amount of anticipated hardscapes. Like the Proposed Project, development occurring pursuant to the site's existing pre-zoning which disturbs more than one acre of soil would be required to obtain coverage under the NPDES and demonstrate compliance with Title 3, Division 5, Chapter 1 of the San Bernardino County Code to reduce short-term construction-related impacts to water quality to a less than significant level. Similar to the Proposed Project, development occurring pursuant to the site's existing zoning would not interfere with groundwater recharge activities associated with the Chino Basin and would involve less than significant impacts concerning erosion or siltation and flooding. The Annexation Only Alternative is also not expected to create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff subject to compliance with the City's Master Drainage Plan.

As compared to the Proposed Project, the Annexation Only Alternative would have fewer impacts with respect to hydrology and water quality based on the reduced hardscapes anticipated under the site's existing zoning.

Land Use and Relevant Planning

As the Annexation Only Alternative would not demolish the eight on-site residential units, implementation of this alternative would reduce the Project's less than significant impacts related to the division of an established community. Although development would occur pursuant to the site's existing pre-zoning, the 152-acre Project Area would still be annexed to the City of Fontana and developed under the jurisdiction of Fontana pursuant to its General Plan, zoning, and development standards. Impacts concerning conflict with an applicable land use plan, policy, or regulation would be similar in this regard. Based on reduced development intensity that would be allowed under the Annexation Only Alternative, this alternative would also reduce the Project's mitigated less than significant impacts to Suitable Habitat, Restorable RAFFS Habitat, and Unsuitable Habitat; refer to **Exhibit 4.3-2, North Fontana Conservation Fee Map**. As a result, the Annexation Only Alternative would be similar to the Proposed Project concerning land use and planning.

Noise

As discussed, the Annexation Only Alternative would not preclude development occurring in accordance with the site's existing pre-zoning. The reduced development intensities allowed under the site's existing pre-zoning would proportionally reduce anticipated construction and operational (mobile and stationary sources) noise and vibration as compared to the Proposed Project. The Annexation Only Alternative would involve similar mitigated less than significant impacts related to construction noise and vibration and operational noise (mobile and stationary) as compared to the Proposed Project.

Public Services and Recreation

The reduced development intensities allowed under the site's existing pre-zoning would proportionally reduce anticipated construction and operational impacts to public services. The Proposed Project would develop a logistics center, and, as such, its implementation would not induce area population growth or increase demand for local or regional parks and recreational facilities. However, the residential development which would be permitted under the Annexation Only Alternative would increase demand for local or regional parks and recreational facilities. As a result, the Annexation Only Alternative would involve greater impacts to parks and recreational facilities than the Proposed Project. The impacts to public services would be similar to the Proposed Project.

Traffic and Circulation

The reduced development intensities allowed under the site's existing pre-zoning would have a proportionate reduction of average daily trips and traffic and circulation impacts within the Project vicinity in comparison to the Proposed Project. As a result, this Alternative would likely avoid the Project's identified significant and unavoidable impacts for Existing, Opening Year (2020) and Horizon Year (2040) With Project Conditions. This alternative would have reduced traffic impacts in comparison to the Proposed Project.

Tribal Cultural Resources

As indicated in Section 4.13, the San Manuel Band of Mission Indians has indicated that the Project site has the potential to support tribal cultural resources as part of the Project's AB 52 consultation. As a result of the tribal consultation process, the City has agreed to implement Mitigation Measures CR-2 and CR-3. Similar to the Proposed Project, development associated with the Annexation Only Alternative would have the potential to impact tribal cultural resources during ground disturbing activities. Impacts to tribal cultural resources would be similar to the Proposed Project in this regard.

Utilities and Service Systems

Compared to the Proposed Project, impacts related to utilities and service systems under the Annexation Only Alternative would be commensurately reduced given that development intensity allowed under the site's existing pre-zoning designation would be reduced. Water and dry utility demands and wastewater and solid waste generation on-site would be proportionally reduced. Thus, the Proposed Project's less than significant public services and utilities would be further reduced under this alternative. The Annexation Only Alternative would have reduced demand, but would also have a similar less than significant impact.

Wildfire

The Project Area and other undeveloped natural areas to the north, east, and south represent a potential wildland fire threat to surrounding uses. The Proposed Project would develop a logistics center, and, as such, its implementation would not induce area population growth or substantially increase demand for fire protection services. The residential uses permitted under the Annexation Only Alternative may be more vulnerable to wildfire than the industrial uses which would be permitted under the Proposed Project due to development materials, landscaping and other attributes. The Annexation Only Alternative would not realign Lytle Creek Road to improve area circulation and better allow the FFPD emergency

access to the Project Area. As a result, this alternative may have greater impacts than the Proposed Project.

Relationship to Project Objectives

As discussed below, the Annexation Only Alternative would not achieve any of the project objectives.

Table 8.0-3 – Annexation Only Alternative and Project Objectives

<u>Objective</u>	<u>Discussion</u>
<u>Objective 1: Implement the City of Fontana's desire to have uses that capitalize on nearby transportation corridors and truck routes and that stimulate employment.</u>	<u>The Annexation Only Alternative would not establish any logistics or warehousing uses, thus not capitalizing on transportation corridors. The Annexation Only Alternative would not achieve this objective.</u>
<u>Objective 2: Improve area circulation via the realignment of Lytle Creek Road.</u>	<u>The Annexation Only Alternative would not include any realignment of Lytle Creek Road. The Annexation Only Alternative would not achieve this objective.</u>
<u>Objective 3: Facilitate goods movement for the benefit of local and regional economic growth.</u>	<u>The Annexation Only Alternative would not establish any logistics or warehousing uses and therefore would not capitalize on transportation corridors or facilitating goods movement for the benefit of local or regional growth. No new jobs would be created through a logistics facility. The Annexation Only Alternative would not achieve this objective.</u>
<u>Objective 4: Increase temporary and permanent employment opportunities while improving the local balance of housing and jobs.</u>	<u>The Annexation Only Alternative would not establish any logistics or warehousing uses. The Annexation Only Alternative, therefore, would not generate any additional employment opportunities and would not benefit the City's and County's jobs-housing ratios, as discussed in Chapter 5 of the EIR. The Annexation Only Alternative would not achieve this objective.</u>
<u>Objective 5: Development of a logistics facility that takes advantage of the proximity to I-15 and proximity to nearby commercial/industrial uses.</u>	<u>The Annexation Only Alternative would not establish any logistics or warehousing uses, thus not capitalizing on area infrastructure and the Project Area's location in proximity to commercial/industrial uses. The Annexation Only Alternative would not achieve this objective.</u>
<u>Objective 6: Development of a logistics facility that is economically viable and provides long term fiscal benefits to the City.</u>	<u>The Annexation Only Alternative would not establish any logistics or warehousing uses. Therefore, it would not achieve this objective.</u>

This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in CEQA Guidelines Section 15088.5. As detailed above, the “Annexation Only” Alternative would not achieve any of the Project’s objectives. Alternatives that cannot achieve a project’s underlying purposes or any of a project’s objectives need not be considered in an EIR. This comment provides a summary of concerns identified in Response to Comments 7-9 and 7-10. Refer to the responses above.

- 7-12 The commenter states that the noise analysis included in the Draft EIR should be clarified to explain the “gulf between existing and opening year traffic and noise.” The difference between existing and opening year traffic is explained in Section 4.13, *Transportation*, of the Draft EIR (page

4.13-17), which states, “approved or pending projects within the City of Fontana, City of Rialto, and San Bernardino County that are anticipated to be completed prior to Project opening and forecast to contribute traffic to the study area were identified. Forecast traffic related to these future developments were added to the existing plus ambient growth traffic volumes. A total of 27 cumulative projects were considered and 18 cumulative projects were found to contribute traffic to the Project’s study area. For large cumulative specific plan projects (greater than 10,000 ADT) the analysis conservatively assumes a phased construction of what could be reasonably constructed by Opening Year (2020) without oversaturating the housing and commercial markets within the region.” The noise levels associated with the existing and opening year traffic is discussed in Section 4.11, *Noise*, of the Draft EIR. No further response is required in this regard.

- 7-13 This comment serves as the conclusion to the comment letter. Responses to specific comments are provided above; no further response is required.



September 25, 2019

VIA EMAIL

DiTanyon Johnson, Senior Planner
City of Fontana
Community Development - Planning Division
8353 Sierra Avenue
Fontana, CA 92335
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SUBJECT: COMMENTS ON I-15 LOGISTICS PROJECT EIR (SCH NO. 2018011008)

To whom it may concern:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed I-15 Logistics 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.

1.0 Summary

As we understand it, the project proposes the following: Annexation of 152 acres (project area) into the City of Fontana, including 2.14 acres that is not currently within the City's sphere of

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influence; development and operation of a 1,175,720-square foot logistics facility on approximately 76 acres (logistics site within project area); and the extension of Lytle Creek Road from the project area to a new intersection with Sierra Avenue. The logistics facility will be a single building consisting of 30,000 square feet of office uses and the remaining 1,145,720 sf will be utilized for non-refrigerated warehousing. The building includes 199 truck/trailer dock doors, 309 on-site trailer parking stalls and 406 on-site passenger vehicle parking stalls. It is anticipated that the logistics facility will operate 24 hours per day and would employ approximately 1,000 employees.

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3.0 Project Description

The existing Fontana General Plan sphere of influence Land Use and pre-zoning designations are Residential Estate (R-E), Public Utility Corridor (P-UC), and General Commercial (C-2). The existing County of San Bernardino General Plan Land Use Designations on the 2.14 acres of the project site that are not within the City's sphere of influence is Rural Living (RL).

The project proposes two entitlement options. Both options include the development and operation of a 1,175,720-square foot logistics facility. Option 1 would change the existing Fontana General Plan sphere of influence Land Use and pre-zoning designations from R-E, P-UC, and C-2 to Light Industrial (IL) on the logistics site area within the project area. The Light Industrial zoning does not currently allow for a logistics facility. However, the City is updating the Development Code which is anticipated to allow this use in the Light Industrial zone in the future. The project proposes Option 2 for entitlement if the update is not in place or does not facilitate this use at the time of project consideration. Option 2 would apply Regional Mixed Use (RM-U) zoning to the project area, with a Warehouse Distribution/Logistics Overlay on an undisclosed acreage of the project area.

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Throughout the EIR it is not clear that two separate options are included for analysis. For example, in the Land Use and Planning section, only the General Plan Amendments proposed by Option 1 are discussed. The EIR must be revised to clearly present two options for analysis, including full buildout analysis of the entire project site for both options in order to adequately and accurately disclose the potentially significant environmental impacts.

The EIR only analyzes buildout of the proposed warehouse building, even though approximately half of the project site would be permitted to develop residential uses, annexed into the City, and 2.14 acres would be added to the City's sphere of influence. The EIR must analyze the

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potentially significant impacts of full site buildout as part of the proposed project instead of “project-splitting” by delaying analysis of this development.

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The project description is also deficient because it does not include the off-site trailer parking lot north of the logistics center site (CEQA § 15124). It is only fully depicted on site plans in the technical appendices, including the Traffic Impact Analysis. Burying this information in the technical appendices is in violation of CEQA’s requirements for meaningful disclosure (CEQA § 21003(b)). The EIR must also be revised to include analysis of this area in all applicable environmental analysis, including the Traffic Impact Analysis, Air Quality Analysis, and Greenhouse Gases Analysis.

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4.2 Air Quality

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, 6 days per week. 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 (AQA). 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)).

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The project will require 24,900 cubic yards of soil export. The CalEEMod output sheets did not analyze any haul trips during the site preparation or grading phases. Assuming a standard 10 cubic yard haul truck capacity, the project would require 2,490 haul trips to accommodate the net export of 24,900 cubic yards of material. The EIR must be revised to include these haul trips.

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The CalEEMod output sheets only include 2,045.75 ADT for analysis when the project generates 3,122 passenger car equivalent (PCE) trips per day. The Traffic Impact Analysis (TIA) states that “To account for the truck trips generated by the project, vehicular trips have been converted to passenger car equivalent (PCE) trips. Once converted to PCE’s, the proposed project is forecast to generate 3,122 PCE trips per day.” The AQA must be revised to analyze the project in PCE trips to account for the truck trips generated by the project.

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The CalEEMod output sheets also model 406 parking spaces which only accounts for passenger vehicles. The project also proposes 309 truck/trailer parking stalls. The overflow trailer parking includes an additional 119 truck/trailer parking stalls. The CalEEMod output sheets must be revised to include the truck/trailer parking stalls for analysis. Further, the CalEEMod output sheets 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 EIR must be revised to include an AQA which presents an accurate analysis of all potentially significant impacts in order to be an adequate informational document.

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The proposed site plan in the EIR labels an area adjacent to the north side of the logistics area as “overflow trailer parking.” The overflow trailer parking is only fully depicted in the site plan included in the Traffic Impact Analysis. In this exhibit, the overflow trailer parking provides approximately 119 truck/trailer parking spaces. There is no discussion of the overflow trailer parking anywhere in the EIR which does not comply with CEQA’s requirements for meaningful disclosure (CEQA § 21003(b)). The 119 truck/trailer parking stalls are not included for analysis throughout the AQA. The AQA must be revised to include this portion of the proposed project.

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The EIR is not internally consistent as the AQA and HRA present conflicting information utilized for analysis. The AQA lists Monarch Hills Residential as the closest sensitive receptor at 1,500 feet from “the warehouse” (there is no method for the public to discern the precise location of measurement for “the warehouse”). The HRA lists Monarch Hills Residential as the closest sensitive receptor at 3,025 feet from the “center of project site.” The HRA does not state if this is only the logistics area or the full annexation project area. Further, the AQA later states the nearest sensitive receptors are three existing homes within the annexation boundary, outside of the warehouse footprint, with the closest receptor located 200 feet northwest “of the construction area.” The AQA also uses the 200 foot sensitive receptor for LST analysis, listing this receptor as 200 feet “from the proposed development.”

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The HRA first states the nearest residential receptor is 1,538 feet away (no description of location measurement is taken from) at 7329 Lytle Creek Road. The HRA later states that the nearest sensitive receptor is located “150 feet from the warehouse area boundary.” The HRA Appendix states that distances are measured “from the center of the project site to the nearest outdoor living area,” which results in Kordyak Elementary as nearest school 4,000 feet away (0.75 miles) from project site. Based on preliminary measurements taken from the project boundaries, Kordyak Elementary is actually only 2,833 feet away (0.53 miles). The EIR is not

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internally consistent and utilizes different receptor locations to skew analysis. The EIR must be revised to include a map of sensitive receptors for public verification. The distance of each sensitive receptor must be measured from the nearest property line of the project site to the nearest property line of the sensitive receptor in order for the EIR to provide an adequate analysis to fully disclose the significant environmental impacts and potentially carcinogenic health risks resulting from the proposed project.

11

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 (6071002706) ranks worse than 75 percent of the rest of the state overall. The project's census tract is in the 91st percentile for pollution burden, meaning it is more polluted than nearly all other census tracts in the state of California. The surrounding community, including sensitive receptors such as the residents adjacent to the project site, 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 is ranked 100 in ozone pollution levels, meaning that it receives the highest level of ozone pollution in the state. Further, the census tract has a higher burden of PM 2.5 than 84 percent of the state, and worse drinking water than 91 percent of the state.

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The project's census tract is a diverse community including 47 percent Hispanic residents and 21 percent African-American residents, which are especially vulnerable to the impacts of pollution. The community has a high unemployment rate (48 percent compared to the rest of the state), which is an indication that they may lack health insurance or access to medical care. Additionally, the surrounding community has a higher proportion of babies born with low birth weights than 51 percent of the state, which makes those children more vulnerable to asthma and other health issues. This is demonstrated by the census tract ranking in the 71st percentile for asthma.

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4.7 Greenhouse Gases

The GHG analysis only includes 2,045.75 ADT when the project generates 3,122 passenger car equivalent (PCE) trips per day. The Traffic Impact Analysis (TIA) states that "To account for the truck trips generated by the project, vehicular trips have been converted to passenger car equivalent (PCE) trips. Once converted to PCE's, the proposed project is forecast to generate

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3,122 PCE trips per day.” The GHG analysis must be revised to analyze the project in PCE trips to account for the truck trips generated by the project.

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The DEIR recognizes significant and unavoidable impacts with respect to GHG emissions. Under CEQA, the City is therefore required to adopt all feasible measures to mitigate these impacts, *see, e.g., City of Marina v. Bd. of Trustees of Cal. State Univ.* (2006) 39 Cal. 4th 341, 349, *citing* Pub. Res. Code §§ 21002.1(a), (b), 21100(b)(3), and CEQA Guidelines § 15126.4(a) (1), and it is also required to address alternatives in the DEIR that “would avoid or substantially lessen any of the significant effects of the project.” Guidelines § 15126.6(a); *see also, e.g., Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 434. The City has not complied with either of these directives.

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First, the City’s alternatives analysis does not even *acknowledge* GHG impacts as significant, so it is not apparent that the one discretionary alternative chosen for review was intended to mitigate significant GHG impacts. Further, the Alternatives Analysis makes inaccurate statements:

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- It asserts in its discussion of the “No Project Alternative” that Mitigation Measure GHG-1 “would reduce impacts [of the Proposed Project] to less than significant.” As we know from discussion elsewhere in the DEIR, however, this is false.
- It asserts in its discussion of the “Reduced Project Alternative” that the Alternative “would also be required to implement Mitigation Measure GHG-1 and purchase GHG offsets,” even though this is not being required of the Project.

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Additionally, as discussed further below, the Alternatives Section does not even address the Annexation Only alternative, which might have actually limited the GHG impacts of this Project.

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Second, with respect to both mitigation and alternatives, the Project has not adequately complied with the directives of *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’t (“SANDAG II”)* (2017) 17 Cal. App. 5th 413 regarding what is compliance.

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Third, on mitigation specifically, and in line with our comment on *SANDAG II*, there are multiple additional mitigation measures the Project could have undertaken including (1) purchasing offsets, as apparently previously planned, (2) installing solar panels on the facility (which must already have a solar-ready roof), and (3) providing for electric truck and other EV charging infrastructure.

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4.10 Land Use and Planning

The proposed entitlement Option 1 involves applying a Light Industrial land use designation and zoning. While the Light Industrial zoning does not currently allow for a logistics facility, the City's in-progress Development Code update is anticipated to allow this use in the Light Industrial zone in the future. Even though the Light Industrial zone may allow for warehouse uses in the future, the current General Plan only permits warehouses without significant impacts.

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Fontana General Plan IL Land Use description:

I-L: Light Industrial (0.1–0.6 FAR). Employee-intensive uses, including business parks, research and development, technology centers, corporate and support office uses, clean industry, supporting retail uses, truck and equipment sales and related services are allowed. *Warehouses that are designed in ways that limit off-site impacts are also permitted.*

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Due to the significant and unavoidable impacts to traffic, air quality, cultural resources, and greenhouse gases resulting from the proposed project, it can be concluded that the proposed project does not comply with the provisions of the Light Industrial land use designation. The EIR must be revised to include a finding of significance resulting from entitlement Option 1.

Further, entitlement Option 2 includes applying the Regional Mixed-Use (RMU) land use and zoning designation with a Warehouse Distribution/Logistics Overlay. The General Plan includes a description of this overlay:

Warehousing Distribution/Logistics Overlay District: designated parcels eligible to apply for the overlay east of Sierra Avenue and north of SR-210.

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The project site is located north of SR-210 and west of Sierra Avenue. Therefore, the proposed project is not eligible to apply for the Warehousing Overlay. The project would require a GPA to change the General Plan location requirements for the Warehousing Overlay to include parcels west of Sierra Avenue. Option 2 does not state that it includes a GPA to amend this language of the General Plan. In order to be an adequate informational document, the EIR must be revised to include this information and a finding of significance for this impact. Further, the Growth-Inducing Impacts analysis must also be revised accordingly to analyze the potentially significant growth-inducing impacts of permitting parcels west of Sierra Avenue to apply for the Warehousing Overlay.

4.13 Transportation

The Traffic Impact Analysis (TIA) and EIR are inconsistent. The EIR and Exhibit 3.0-14, Proposed Circulation and Improvements states that there will be no truck traffic on the new public access road. The TIA states that the proposed public access road will be utilized by passenger cars and trucks to allow access to parking and docking areas. The EIR must be revised to be internally consistent in order to be an adequate informational document. Additionally, if there is no truck traffic permitted on this street, the EIR must explain how this will be enforced.

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The TIA only provides analysis of the I-15 NB/SB at Sierra Avenue ramps. The EIR and TIA must be revised to include analysis of the following Caltrans facilities providing direct access to the project site:

Freeway Mainline

- I-210 from Day Creek Boulevard to Sierra Avenue
- I-215 from Kenwood Avenue to Glen Helen Parkway
- I-10 from Milliken Avenue to Sierra Avenue

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Freeway Merge/Diverge

- I-215 at I-15
- I-210 at I-15
- I-10 at I-15

Freeway Ramp

- I-210 at Citrus Avenue EB/WB
- I-210 at Sierra Avenue EB/WB
- I-10 at Citrus Avenue EB/WB
- I-10 at Sierra Avenue EB/WB

7.0 Growth Inducing Impacts

The EIR does not present any analysis of the proposed project's extension of Lytle Creek Road to connect to Sierra Avenue. Providing a new road removes an impediment to growth. Since the EIR does not analyze full buildout of the annexed area, it is clear that the extension of Lytle Creek Road is to remove this impediment to growth for the remainder of the annexed area that will not be developed with a proposed logistics center.

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The EIR cites SCAG's Demographics & Growth Forecast from the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) to conclude that the employment generated by the project is within the City of Fontana's growth forecast. Employment in the City of Fontana is anticipated to grow from 47,000 in 2012 to 70,800 in 2040; the project's approximately 1,000 employees are "minimal in comparison to the increase anticipated in the SCAG Growth Forecast." The project's 1,000 employees represent approximately 4.2% of the City's job growth from 2012 to 2040. The EIR does not state if the project area was included in SCAG's study as part of the City's growth since it was not annexed at that time and a portion of the project site is also outside of the City's sphere of influence. It is unclear whether the project area was included in the City's employment growth forecast or the County of San Bernardino's growth forecast. In either situation, the project area was not designated by either jurisdiction as an employment-generating land use and therefore was not included in SCAG's study as part of any employment growth forecast. A General Plan Amendment to change the land use designations to allow for employment-generating uses is required in order to implement the proposed project. The EIR must be revised to include a finding of significance as the proposed project directly contributes to growth-inducing impacts.

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The EIR also concludes there would not be a significant growth inducing impact because the required entitlements (GPA, Zone Change, 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 law city and limited to approving a maximum of four General Plan Amendments annually (Cal. Gov't Code § 65358)

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The EIR also excludes from analysis that the City will expand its sphere of influence as part of the proposed project. Expanding sphere of influence is not commonly undertaken on a regular basis. The EIR must be revised to analyze the potentially significant growth inducing impacts of expanding the City's sphere of influence.

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8.0 Alternatives

The EIR is misleading to the public and decision makers as the EIR states that Alternative 3 – Annexation Only "was selected to determine the environmental effects of developing the 152-acre Project Area pursuant to the Fontana General Plan, Zoning, and development standards

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upon possible annexation into the City.” However, the EIR does not actually present any analysis of Alternative 3. This alternative is included with the “Alternatives Considered but Rejected,” which details that this scenario would assume the development of a total of 227 dwelling units. The EIR states that since the Annexation Only alternative would not achieve any of the project objectives, it was rejected from further consideration. This is contradictory to information presented earlier in this section which states that Alternative 3 was considered for analysis. The EIR’s Executive Summary also includes preliminary analysis of Alternative 3.

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The “No Project” Alternative assumes development of the project site under the County of San Bernardino’s existing land use designations. Since the proposed project requires the revision of an existing land use or regulatory plan and is also a development project on identifiable property, the EIR must be revised to include a “No Project/No Build” Alternative in addition to an alternative which analyzes development of the site in accordance with existing land use designations (CEQA § 15126.6(e)).

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The two alternatives presented do not include any technical studies or quantifiable reasoning to support the conclusions made in each scenario. The EIR must also be revised to include quantifiable analysis and modeling of each environmental area in each alternative scenario in order to adequately disclose the potentially significant impacts of each alternative in relation to the proposed project.

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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.

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Sincerely,



Board of Directors
Golden State Environmental Justice Alliance

RESPONSE NO. 8

Board of Directors
Golden State Environmental Justice Alliance
September 25, 2019

- 8-1 The commenter has been added to the City's noticing list for the Proposed Project and will be notified of any subsequent environmental documents, public notices, public hearings, and notices of determination for the Proposed Project, as requested. This comment also includes a general summary of the Proposed Project and existing land use and zoning designations applicable to the Project Site. 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. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on significant environmental issues.)
- 8-2 The commenter requests that the Draft EIR be revised to fully analyze the Project's two entitlement options. The EIR includes a detailed discussion of the two entitlement options in Section 2.0, *Project Description*. Section 4.10, *Land Use and Planning*, provides an analysis of both entitlement options. No changes are necessary in this regard.
- 8-3 The commenter expresses concern that the EIR "only analyzes buildout of the proposed warehouse building, even though approximately half of the Project site would be permitted to develop residential uses, annexed into the City, and 2.14 acres would be added to the City's sphere of influence." As noted in Section 2.0, *Project Description*, of the Draft EIR, the City of Fontana certified its General Plan EIR (SCH No. 2016021099) in late 2018. As part of the General Plan EIR, the City evaluated annexation of a majority of the Project site, with the exception of 2.14 acres of the Project site. More specifically, the General Plan EIR assessed the potential impacts associated with future annexation and development of Project site consistent with the Rural Estate (R-E) and Public Utilities land use designation. As a result, the impact analysis in this Draft EIR focuses on the Proposed Project components that were not previously analyzed in the City of Fontana General Plan EIR. These primarily include development of the proposed Logistics Site and associated improvements to support the development and annexation of approximately 2.14 acres north of Lytle Creek Road (not previously considered within the General Plan EIR). The proposed annexation of the Project site, with the exception of the 2.14-acre portion of the site, has already been analyzed and is therefore not analyzed further within the Draft EIR; refer to Draft EIR Section 4.2.1, *Previous Analysis as a part of General Plan EIR (SCH. 2016021099) Document*.
- 8-4 The commenter states that the project description is "deficient because it does not include the off-site trailer parking lot north of the logistics center site" and states that the Draft EIR "must also be revised to include analysis of this area in all applicable environmental analysis." As discussed in Draft EIR Section 3.1.7, *Logistics Facility Project*, the Logistics Site would feature parking areas that would provide 309 trailer stalls, and 406 automobile stalls for employee parking. Trailer stalls are also depicted on Draft EIR Exhibit 3.0-10, *Conceptual Site Plan*, (204 + 10 + 66 + 29= 309 trailer stalls). Exhibit 3.0-10 has been revised to remove references to the Overflow Trailer Parking Area because this is no longer a part of the proposed Project and was included in the TIA exhibit in error; refer to Section 3.0, Errata, of the Final EIR. However, removal of these references do not change any conclusions in the Draft EIR. This change provides a minor update, correction, or clarification and does not represent "significant new information" as defined in CEQA Guidelines Section 15088.5. Thus, revisions to the Draft EIR to analyze this area, including

the Traffic Impact Analysis, Air Quality Analysis, and Greenhouse Gas Analysis, are not necessary nor required.

- 8-5 The commenter opines that the Draft EIR does not provide a “worst-case scenario” analysis of construction equipment pollutant emissions since 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.” Construction-related air pollutant emissions have been remodeled to include construction 6 days per week—Monday through Saturday.

Although construction activities are permitted to occur 11 hours per day, 8 hours per day is considered to be conservative, as it is the California Emissions Estimator Model (CalEEMod) default value, which is prepared by the South Coast Air Quality Management District (SCAQMD) and California Air Districts, and approved by the California Air Pollution Control Officers Association (CAPCOA). This is due to the model’s worst-case assumption that all construction equipment is operating simultaneously for the entire 8 hours during each day of the construction period. In reality, construction equipment often operates only for a portion of the workday and is not necessarily used every day so that at any given time only some pieces of the total fleet are operating. It is not reasonable to assume that all pieces of construction equipment will operate simultaneously for 11 hours per day. In reality, operation of construction equipment would occur intermittently and would vary depending on the nature or phase of construction (e.g., demolition, site preparation, grading, paving, building construction, and architectural coatings). The emissions associated with the revised construction duration (i.e. 8 hours per day, 6 days per week) have been made to page 4.2-14 and page 4.2-21 of the Draft EIR and are reflected below and in Section 3.0 and Appendix B of the Final EIR. The revised modeling does not identify any new potentially significant impacts.

Page 4.2-14, Section 4.2, Air Quality

Table 4.2-5: Construction-Related Emissions

Year	Maximum Emissions (pounds per day)					
	CO	NOx	PM ₁₀	PM _{2.5}	VOC	SO ₂
Year 1 (2019 2021)	52.60 <u>70.56</u>	85.56 <u>93.70</u>	15.88 <u>14.87</u>	6.72 <u>5.94</u>	100.2 <u>97.47</u>	0.29 <u>0.30</u>
Year 2 (2020 2022)	51.49 <u>66.64</u>	78.15 <u>60.44</u>	15.52 <u>13.18</u>	5.72 <u>4.52</u>	93.15 <u>69.97</u>	0.29 <u>0.25</u>
SCAQMD Thresholds	75	100	150	55	550	150
Exceed Threshold?	No	No	No	No	No	No

Source: Michael Baker International 2018 2020; see Appendix B

Notes:

- Emissions calculated using CalEEMod version 2016.3.2. Emission estimates account for the quantifiable PM-reducing requirements of SCAQMD Rule 403, including watering exposed surfaces three times daily; cleaning trackout on adjacent streets; covering stock piles with tarps; watering all haul roads twice daily; and limiting speeds on unpaved roads to 15 miles per hour. Architectural coatings are assumed to be applied sporadically throughout the duration of building construction.

Page 4.2-21, Table 4.2-9, Localized Significance of Emissions for Construction

Table 4.2-9: Localized Significance of Emissions for Construction

LST 5.0 Acres/ General San Bernabeño Valley	Pollutant (pounds per day)			
	Nitrogen Oxide (NOx)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)
Maximum Daily Emissions (on-site)	54.52 <u>87.26</u>	6.29 <u>8.74</u>	3.84 <u>5.56</u>	33.38 <u>57.06</u>
SCAQMD Localized Threshold (25 meters)	270	14	8	1,746
SCAQMD Localized Threshold (50 Meters)	302	44	10	2,396
Significant?	No	No	No	No

Source: CalEEMod version 2016.3.2

Notes: Emissions projections account for adherence to various components of SCAQMD Rule 403, including application of water on the Project site, employment of wheel washing systems, sweeping adjacent streets daily, and reestablishing vegetation on inactive portions of the site.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 8-6 The commenter claims that the CalEEMod output sheets did not include hauling trips during the site preparation or grading phases. Since circulation of the Draft EIR, the Applicant has revised construction assumptions to reduce the export quantity to 5,000 cubic yards of soil. The air quality modeling for the Project has been redone to reflect this new construction assumption. The revised

modeling, which includes the haul trips necessary for 5,000 cubic yards of soil export, did not identify any new potentially significant impacts. Refer to Response to Comment 3-3.

8-7 The commenter argues that the Air Quality Analysis must be revised to analyze the Project in passenger car equivalent (PCE) trips rather than average daily traffic (ADT). The Project traffic impact analysis converted vehicle trips to PCE trips to account for the differential Level of Service (LOS) impacts of truck trips generated by the Project in accordance with the *City of Fontana Traffic Impact Analysis Guidelines*, which is wholly appropriate for a traffic analysis. PCE is a unit used to represent the impact of a large vehicle on a road by expressing it as the number of equivalent passenger vehicles. Trucks are larger and accelerate more slowly than passenger cars, and thus have a greater effect on traffic flow than passenger cars. Accordingly, using PCE is appropriate for a delay-based LOS traffic analysis. Further, the Draft EIR accurately modeled mobile source emissions related to the Project-generated 2,046 daily trips. As shown in Appendix B of the Final EIR, the CalEEMod fleet mix was revised to match the Project traffic impact analysis fleet mix. Further, as shown in Attachment A of the *I-15 Logistics Center Alternative – Air Quality Technical Memorandum* (AQ Memo), prepared by Michael Baker International (dated March 25, 2020), the CalEEMod fleet mix reflects the fleet mix depicted in the Project traffic impact analysis. Additionally, modeled mobile source emissions reflect the 2017 Emission FACTors model (EMFAC-2017) emission rates. These modeling changes did not identify any new potentially significant impacts relating to air quality or greenhouse gases than were already identified in the Draft EIR. No changes are necessary in this regard.

8-8 The commenter expresses concern that the CalEEMod output sheets only model 406 parking spaces and do not include truck/trailer parking stalls. As stated in the CalEEMod output sheets, on page 19 of the *I-15 Logistics Center Alternative – Air Quality Technical Memorandum* (AQ memo) the modeling included the following: “Land Use - 406 auto stalls, 309 trailer stalls-standard stall 14'x75'=7.45 acres.”; refer to Appendix B of the Final EIR. Therefore, the modeled parking lot encompassing 7.45 acres accounts for the 309 trailer parking stalls. Further, the AQ Memo, prepared by Michael Baker International (dated March 25, 2020) utilized these same modeling assumptions. No changes are necessary in this regard. With respect to the comment’s reference to “overflow trailer parking,” refer to Response to Comment 8-4.

The commenter also requests clarification as to why the CalEEMod output sheets include a vendor trip length of 6.90 miles during all phases of construction. The vendor trip length of 6.90 miles is based on CalEEMod defaults and is a reasonable assumption here because vendor trip information was derived from a vendor trip survey study conducted by the Sacramento Metropolitan Air Quality Management District (SMAQMD).⁴ Furthermore, the CalEEMod default values were prepared by the South Coast Air Quality Management District (SCAQMD) and the California Air Districts, and approved by the California Air Pollution Control Officers Association (CAPCOA). No changes are necessary in this regard.

8-9 The commenter reiterates their concerns related to “overflow trailer parking” indicated on the site plan included in the Traffic Impact Analysis. Refer to Response to Comment 8-4.

8-10 The commenter states that the Draft EIR is not internally consistent as the Air Quality Analysis and Health Risk Assessment present conflicting information utilized for analysis. The Health Risk Assessment modeled a sensitive receptor grid that follows the SCAQMD guidelines and

4 South Coast Air Quality Management District, California Emissions Estimator Model User’s Guide Version 2016.3.2, page 34, November 2017.

considered all nearby sensitive receptors *within* 1,000 feet of the truck routes. These sensitive receptors and the Project's roadways were modeled to be consistent with the physical Universal Transverse Mercator coordinate system (UTM) and the spatial UTM coordinates of the Project site and physical location, as located on a map. The AERMOD modeling results shows where the project site, volume sources, and sensitive receptors are located. The carcinogenic risk and non-carcinogenic hazard for the spatial grid that was modeled can be found in the *Health Risk Assessment Technical Memo* (HRA Memo), prepared by Michael Baker International, dated March 25, 2020; refer to [Section 3.0](#). The Air Quality Analysis analyzed the closest distance to the Project construction activities (i.e. warehouse facility) by utilizing the Google Earth Pro Ruler Tool. The Google Earth Pro Ruler Tool looks at the spatial UTM coordinates of the project site, construction areas, and the sensitive receptor locations, and allows the user to calculate the distances in between them. Furthermore, the sensitive receptor locations in Table 4.2-7 in the Draft EIR are accurate and the HRA Memo considered all nearby sensitive receptors and analyzed the maximally exposed individual resident (MEIR), or highest potential carcinogenic risk and non-carcinogenic hazard within the modeling grid. No changes are necessary in this regard.

- 8-11 The commenter notes a discrepancy between sensitive receptors identified in the Health Risk Assessment and requests that the Draft EIR be revised to include a map of sensitive receptors for public verification. The Health Risk Assessment modeled a receptor grid that follows the SCAQMD guidelines and considered all nearby sensitive receptors within 1,000 feet of the truck routes. These sensitive receptors and the Project's roadways were modeled spatially to be consistent with the coordinates of the Project site and physical location. Furthermore, the highest residential cancer risk and subsequent coordinates of this location is stated in Table 4.2-11, *Maximum Operational Cancer Risk*; refer to Response to Comment 5-6. The coordinates of this cancer risk have been added to the table. The cancer risk for the spatial grid that was modeled can be found in HRA Memo; refer to [Section 3.0](#). The sensitive receptor distances in the Draft EIR Table 4.2-7, *Sensitive Receptors*, are correct. As the highest cancer risk location is identified in Table 4.2-11, the outputs of the air dispersion and health risk modeling (with coordinates) are attached to the HRA Memo, and Table 4.2-7 is accurate, a map of the sensitive receptors is not warranted.
- 8-12 The commenter states that the Draft EIR "does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the Proposed Project." An overview of Draft EIR's evaluation of cumulative impacts is provided in Section 4.3, *Cumulative Impact Evaluation*, of the Draft EIR, while Sections 4.1 through 4.14 of the Draft EIR include individual Cumulative Impacts subsections. As noted on Draft EIR page 4.0-4, to identify the projects to be analyzed in the evaluation of cumulative impacts, CEQA Guidelines Section 15130(b) requires that an EIR employ either:
- The List Approach - entails listing past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or
 - The Projection Approach - uses a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact the individual Cumulative Impacts subsection in the section addressing each environmental topic presents impacts and mitigation measures for the Proposed Project.

The approach and geographic scope of the cumulative impact evaluation vary depending on the environmental topic area being analyzed. The individual Cumulative Impacts subsection in the section addressing each environmental topic presents impacts and mitigation measures for the Proposed Project. For most environmental topic areas, the list approach is used. The list of potentially relevant projects, a detailed methodology, and relevant planning documents are considered in each Cumulative Impacts subsection. As a result, the City affirms that the Draft EIR upholds CEQA Guidelines Section 15130(b) requirements for evaluation of cumulative impacts.

Furthermore, CEQA does not require an evaluation of environmental justice impacts that are not associated with physical environmental impacts. Rather, CEQA requires EIRs to analyze physical changes to the environment. (14 California Code of Regulations, Section 15131(a)) Economic and social effects in themselves do not constitute significant effects on the environment under CEQA. (*Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 585; Gray, *supra*, 167 Cal.App.4th at pp. 1120–1121.) The Draft EIR fully analyzed the Project’s physical impacts on the environment, including health risk impacts and cumulative impacts, as summarized above.

Refer to Response to Comments 5-3 and 5-4.

Finally, most of the Census Tract (6071002706) that includes a portion of the Project Site is located across I-15 and is not representative of environmental conditions at the Project Site. The Census Tract stretches to I-215 and State Route 210 over five miles away from the Project Site. The Census Tract (6071009202) to the north, which includes part of the Project Site, is located entirely on the same side of I-15 as the Project Site and is more representative of environmental conditions at the Project Site. The Census Tract has an average pollution burden (58th percentile) and is in the bottom quartile for socioeconomic vulnerability (23rd percentile). The Census Tract (6071002010) to the west also has an average pollution burden (56th percentile) and is in the bottom quartile for socioeconomic vulnerability (23rd percentile).

- 8-13 Refer to Response to Comments 5-4 and 8-12 for a discussion regarding environmental justice and disadvantaged communities.
- 8-14 The commenter states that the Draft EIR’s greenhouse gas analysis must be revised to analyze the Project in PCE trips to account for truck trips. Refer to Response to Comment 7-7.
- 8-15 The commenter argues that the City has not adopted all feasible measures to mitigate the Project’s significant and unavoidable GHG impacts. However, the comment also does not propose any mitigation measures. Refer to Response to Comments 2-9, 2-10, 4-10 and 4-11.
- 8-16 The commenter states that the Draft EIR’s alternatives analysis does not acknowledge the Project’s significant and unavoidable GHG impacts. However, as shown on page 7 of the *I-15 Logistics Center Alternative Greenhouse Gas Technical Memorandum*, the Project would generate 9,949 metric tons of carbon dioxide equivalent per year (MTCO₂e per year) with implementation of Mitigation Measures GHG-1 and AQ-4, and thus would not exceed SCAQMD’s threshold for industrial and warehouse projects; refer to Appendix B of the Final EIR. Further, the “Reduced Project” Alternative, analyzed in Chapter 8.0 of the Draft EIR, does reduce the Proposed Project’s GHG emissions, as described on page 8.0-15. No changes are necessary nor required in this regard.
- 8-17 The commenter states that the Draft EIR’s analysis for the No Project Alternative incorrectly states that Mitigation Measure GHG-1 would reduce the Proposed Project’s impacts to less than significant levels. As noted in Response 8-16, the project would not result in a significant and unavoidable Greenhouse Gas impact. The requested clarification has been made to page 8.0-9 of

the Draft EIR and is reflected below and in Section 3.0 of the Final EIR. However, correction of this statement does not result in any substantive change to the alternatives analysis.

Page 8.0-9, Section 8.4, “No Project” Alternative

Greenhouse Gas Emissions

Under the No Project Alternative, GHG emissions would be substantially reduced when compared to the Proposed Project due to the elimination of the truck trips associated with the Logistics Center. Like the Proposed Project, ~~the~~ No Project Alternative would result in less than significant impacts.

Page 8.0-20, Section 8.6, Environmentally Superior Alternative

Table 8.0-6 8.0-3: Comparison of Alternatives

Sections	“No Project”	“Reduced Project”	“Annexation Only”	“SB 330 Compliance”
Aesthetics and Visual 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	=	=	≡	≡
Noise	=	=	≡	≡
Public Services and Recreation	=	=	≡	△
Transportation	∇	=	≡	△
Tribal Cultural Resources	=	=	≡	≡
Utilities and Service Systems	=	=	≡	△
Wildfire	△	△	△	≡

For the reasons described above, these changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 8-18 The commenter states that the Draft EIR’s analysis for the Reduced Project Alternative incorrectly states that Mitigation Measure GHG-1 would reduce the Proposed Project’s impacts to less than significant levels. Consistent with Draft EIR Section 1.0 and 4.7, Section 8.5, “*Reduced Project Alternative*,” has been revised to identify the Proposed Project’s less than significant GHG impact. As shown on page 7 of the *I-15 Logistics Center Alternative Greenhouse Gas Technical Memorandum*, the Project would generate 9,949 metric tons of carbon dioxide equivalent per year (MTCO₂e per year) with implementation of Mitigation Measures GHG-1 and AQ-4, and thus would not exceed the South Coast AQMD’s threshold for industrial and warehouse projects; refer to Appendix B of the Final EIR. The requested clarification has been made to page 8.0-16 of the Draft EIR and is reflected below and in Section 3.0 of the Final EIR.

Page 8.0-16, Section 8.5, “Reduced Project” Alternative

Greenhouse Gas Emissions

Based on Table 4.7-12, Project Greenhouse Gas Emissions with Project Design Features, the Project would generate ~~45,474.09~~ 12,618.90 metric tons of carbon dioxide equivalent per year (MTCO₂eq/yr) and would exceed SCAQMD’s threshold for industrial and warehouse projects. Therefore, Mitigation Measures GHG-1 and AQ-4 would be implemented to reduce operational mobile GHG emissions to the extent feasible. With implementation of Mitigation Measures GHG-1 and AQ-4, the Warehouse Facility’s long-term operational emissions would be approximately 9,949 MTCO₂e per year (including construction emissions) and would not exceed the GHG significance threshold of 10,000 MTCO₂eq/yr. Although this alternative would reduce development by 25.4 percent, an 877,000 square foot industrial building would generate ~~41,543.67~~ 9,413.7 MTCO₂eq/yr and thus would ~~still not~~ not exceed the GHG significance threshold of 10,000 MTCO₂eq/yr due to the substantial increase in mobile GHG emissions from operational vehicle and truck trips. Thus, this alternative would ~~also not~~ not be required to implement Mitigation Measure GHG-1 and Mitigation Measure AQ-4 and purchase GHG offsets to reduce the Reduced Project’s GHG emissions below SCAQMD’s threshold. As a result, the Reduced Project Alternative would result in similar less than significant impacts from GHG emissions ~~with Mitigation Measure GHG-1.~~

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

- 8-19 The commenter notes that the alternatives analysis does not address the Annexation Only Alternative. Refer to Response to Comments 6-2 and 7-9.
- 8-20 The commenter states that, with respect to mitigation and alternatives, the Project has not “adequately complied with the directives of *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts* (“SANDAG II”) (2017) 17 Cal. App. 5th 413.” However, the comment does not provide any specifics as to what the perceived non-compliance is. Refer to Response to Comments 5-10, 5-11, 6-2, and 7-9.

- 8-21 The commenter states that there are multiple additional mitigation measures that the Project could have included, such as purchasing offsets, installing solar panels on the facility, and providing for electric truck and other electric vehicle (EV) charging infrastructure. Refer to Response to Comments 3-10, 5-10, 5-11, and 7-3.
- 8-22 This comment provides a general summary of the Project's entitlement Option 1, which would apply a Light Industrial land use designation and zoning to the Project site. 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. Refer to the responses below.
- 8-23 The commenter opines that the Project would not comply with City's General Plan land use description for Light Industrial based on the Project's significant and unavoidable impacts to traffic, air quality, cultural resources, and greenhouse gases. The commenter is correct in stating that the General Plan defines Light Industrial uses as "employee-intensive uses, including business parks, research and development, technology centers, corporate and support office uses, clean industry, supporting retail uses, truck and equipment sales and related services are allowed. Warehouses that are designed in ways that limit off-site impacts are also permitted." The General Plan does not prohibit projects with off-site impacts. Here, offsite impacts are limited by project design and numerous mitigation measures. .
- 8-24 The commenter opines that the Project would not comply with the General Plan's land use description for the Warehousing Distribution/Logistics Overlay District (WDL0D) based on its location north of State Route 210 (SR-210) and west of Sierra Avenue. The commenter is correct in stating that the General Plan defines the WDL0D as applying to "designated parcels eligible to apply for the overlay east of Sierra Avenue and north of SR-210." As noted in Draft EIR Section 3.4.1, *City of Fontana Discretionary Actions*, the Project would request to apply this zoning district on the Logistics Facility Site under the entitlement Option 2 scenario. It is noted that Zoning and Development Code Section 30-647 identifies the Project type (warehousing, with distribution) as a permitted use for the WDL0D. With approval of the proposed Zone Change, the Project would not conflict with the General Plan's land use description for the WDL0D in this regard. Draft EIR Section 7.0, *Growth Inducing Impacts*, has been revised to explain that the proposed entitlement options would not represent a precedent-setting action under CEQA. The proposed entitlements would also not place new growth pressure on surrounding undeveloped lands, would not open up new lands outside of the Project site to development, remove constraints to development, or encourage development at a higher density. This is because only the Project site would be subject to the WDL0D under Option 2. The requested clarification has been made to page 7.0-3 of the Draft EIR and is reflected below and in Section 3.0 of the Final EIR.

Page 7.0-3, Section 7.1.3, Establishment of a Precedent-Setting Action

7.1.3 Establishment of a Precedent-Setting Action

The Proposed Project includes a General Plan Amendment to change the existing land use designation from Residential Estate (R-E) to Light Industrial (M-1). In order to accommodate the proposed Logistics Facility, the Proposed Project includes a change of zone on approximately 76 acres of the Project Area to change the pre-zoning from Residential Estate (R-E) to Light Industrial (M-1) (Option 1) or Regional Mixed Use (RMU) with a Warehouse Distribution Overlay (Option 2) (refer to Section 3.0, *Project Description*, for detailed information regarding the proposed General Plan Amendment). The Proposed Project also includes an annexation of a total of 21 parcels and portions of road right-of-way (ROW) encompassing approximately 152-acres into the City of Fontana. Additionally, the Proposed Project includes a General Plan Amendment to change the General Plan Circulation Element designation for Lytle Creek Road from a four-lane Secondary Highway to a two-lane Collector. None of these actions are considered 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. Therefore, less than significant impacts would occur in this regard.

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

- 8-25 The commenter states that the Traffic Impact Analysis (TIA) and Draft EIR are inconsistent since the TIA states that new public access road would be utilized by passenger cars and trucks while the Draft EIR states there will be no truck traffic on the new public access road. This comment is incorrect. As noted on Draft EIR page 4.13-28, at Project completion the Logistics Site would be accessed from two entrances, one driveway for passenger vehicles on Lytle Creek Road from the west and another driveway for passenger vehicles and trucks on Public Access Road from the east. No changes are necessary in this regard.
- 8-26 The commenter states that the Draft EIR and the TIA must be revised to include an analysis of Caltrans facilities which provide direct access to the Project Site. The Draft EIR analyzes Sierra Avenue/I-15 Southbound Ramps and Sierra Avenue/I-15 Northbound Ramps because these are the only two Caltrans facilities which provide direct access to the Project site. The Caltrans facilities identified by the commenter were not analyzed in detail in the TIA as they were found to not be impacted during the TIA scoping process with the City. As shown in the Scoping Agreement included in Appendix B of the TIA, the intersections noted by the commenter would experience a limited increase in trips from the proposed project, and thus were not determined to require a detailed analysis.
- 8-27 The commenter's assertion that the Draft EIR does not analyze the Project's realignment of Lytle Creek Road to connect to Sierra Avenue is unfounded. The commenter does not provide a specific example of where the Draft EIR omits an analysis of this Project component; thus, no further response is required. (CEQA Guidelines Section 15088(c) states that the level of detail contained in responses to comments may correspond to the level of detail provided in the comment [i.e., responses to general comments may be general]).

Section 7.1, *Removal of Barrier to Growth*, of the Draft EIR includes an analysis of the Project's infrastructure improvements, including the Project's extension of Lytle Creek Road. As noted in Draft EIR Section 7.1, the proposed infrastructure enhancements and upgrades, including roadways, water system, sewer system and storm drain system, would be designed to accommodate the Proposed Project. These infrastructure capacity increases would remove impediments that currently inhibit growth associated specifically with the Proposed Project site, resulting in the potential environmental impacts as discussed throughout this Draft EIR. However, the proposed infrastructure improvements have been sized to serve the Proposed Project and do not contain adequate excess capacity to support substantial, unplanned growth. Therefore, growth-inducing impacts will not occur because the infrastructure is sized to serve only the Proposed Project.

- 8-28 The commenter states that the Draft EIR must be revised to include "a finding of significance as the Proposed Project directly contributes to growth-inducing impacts." As noted in Draft EIR Section 7.1.2, *Economic Growth*, the estimated number of employees required for operation of the proposed Logistics Facility would be approximately 1,000 persons. The Southern California Association of Governments (SCAG) employment forecasts estimate the City's employment to reach 70,800 jobs by 2040, representing a total increase of 23,800 jobs between 2012 and 2040.⁵ Employment growth associated with the Proposed Project would represent 1.4 percent of the City's anticipated 2040 employment, not 4.2 percent. The Proposed Project would have less than significant growth-related impacts in this regard.

Based on a "worst case" scenario of 1,000 full-time employees relocating to Fontana and the City's average household size of 4.12, Project implementation would result in a population increase of approximately 4,120 persons.⁶ Therefore, population growth associated with the Project would represent only a 1.9 percent increase of the City's 2019 population of 212,078 persons. Thus, although the Project would result in indirect population growth, the Proposed Project would not induce substantial unplanned population growth exceeding existing local conditions (1.9 percent increase). The Proposed Project would have less than significant growth-related impacts in this regard.

- 8-29 The commenter states that the Draft EIR does not provide a "CEQA exemption" or evidence that the Project entitlements would not be a significant growth-inducing impact. CEQA Guidelines Section 15126.2(e) provides that an EIR discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively (i.e., precedent-setting actions). Precedent-setting actions are defined as any act, decision, or case that serves as a guide or justification for subsequent situations; refer to Draft EIR Section 7.1.3, *Establishment of a Precedent-Setting Action*. Growth inducement and growth (either population growth or economic growth) is considered inherently detrimental, under CEQA. The City affirms that the General Plan Amendment, Zoning Changes, Annexation, and other requested Project entitlements (including expansion of the City's sphere of influence) are commonly undertaken on a regular basis by many jurisdictions and do not satisfy

5 Southern California Association of Governments, 2016-2040 RTP/SCS Final Growth Forecast by Jurisdiction, https://www.scag.ca.gov/Documents/2016_2040RTPSCS_FinalGrowthForecastbyJurisdiction.pdf, accessed February 13, 2020.

6 California Department of Finance Demographic Research Unit, Report E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2019, with 2010 Benchmark, Sacramento, California, May 1, 2019.

CEQA's definition of a precedent-setting action in this regard; in other words, there is no reason to think that approve this project, specifically, will result in more general plan or zoning code amendments. Further, as pointed out by the comment itself, the City is limited to approving a maximum of four General Plan Amendments annually.

- 8-30 The commenter states that the Draft EIR does not analyze the expansion of the City's sphere of influence. Refer to Response to Comment 8-29.
- 8-31 The commenter argues that the EIR is "misleading to the public and decision makers" as the EIR does not analyze "Annexation Only Alternative" in Section 8.0 but includes this alternative in Section 1.0. As noted by the comment, the Annexation Only Alternative would not meet any of the Project objectives. Further, the alternative fails to meet the Project's basic, underlying purpose. Refer to Response to Comments 6-2, 7-9, and 7-10.
- 8-32 The commenter disagrees with the Draft EIR's definition of a "No Project" Alternative. In accordance with CEQA Guidelines 15126.6(e)(2), "the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." CEQA Guidelines Section 15126.6(e)(3)(B) continue to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." The analysis presented in Draft EIR Section 8.4, "*No Project Alternative*", evaluates the potential environmental impacts associated with development of the Project Area pursuant to its existing zoning and land use designations, as compared to impacts from the Project. This is presented in order to enable the decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project. No changes to the Draft EIR are necessary in this regard.
- 8-33 The commenter argues that the alternatives presented in the Draft EIR "do not include any technical studies or quantifiable reasoning to support the conclusions made in each scenario." Under CEQA, alternatives do not need to be described or analyzed at the same level of detail as the Proposed Project (CEQA Guidelines Section 15126.6(d)). Draft EIR Section 8.0 includes sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison with the Proposed Project. Modeling of the alternatives is not necessary to determine whether the alternative would result in fewer, more, or similar impacts as the Proposed Project, or whether the alternative would meet none, all, or some of the Project objectives. As a result, the City affirms that the alternatives analysis includes sufficient level of detail necessary for the City of Fontana to make an environmentally informed decision on the Project.
- 8-34 The commenter has been added to the City's public interest list for the Proposed Project, as requested. This comment serves as the conclusion to the comment letter. Responses to specific comments are provided above; no further response is required.



CENTER for BIOLOGICAL DIVERSITY *and imperiled species through* *because life is good*
science, education, policy, and environmental law
via electronic mail

9/27/2019

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RE: Draft Environmental Impact Report – I-15 Logistics (SCH No. 2018011008) August 2019

Dear Mr. Johnson:

The Center for Biological Diversity (Center) is responding to the opportunity to comment on the Draft Environmental Impact Report – I-15 Logistics (SCH No. 2018011008) August 2019 proposed within the sphere of influence of the City of Fontana, California. The Center is concerned about the serious impacts to the environment, the critically endangered San Bernardino kangaroo rat federally designated critical habitat, California gnatcatcher and the general degradation of the area for these and other imperiled species. The Center is a nonprofit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.6 million members and supporters, including members and supporters in the City of Fontana and the County of San Bernardino. We incorporate the comments submitted by the California Native Plant Society herein, due to their expertise on native plant issues and native plant communities.

North Fontana Conservation Program Flawed

To our knowledge, the North Fontana Conservation Program (NFCP) has not been accepted by the public trust wildlife agencies that administer and enforce the federal and State Endangered Species Acts (i.e. the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, respectively) as a viable strategy to offset impacts that would allow an issuance of Incidental Take Permits. It also fails to address federally designated Critical Habitat at all. Therefore, projects proposed to utilize or that have utilized the NFCP are fatally flawed, because impacts may not be/have not been adequately mitigated where this plan is/was relied on.

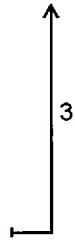
The City admits that as of 2017, it had collected “approximately \$818,953.00 in mitigation fees from development projects that were constructed within the North Fontana Program area to offset the loss of RAFSS and RSS habitats” but had not acquired any appropriate habitat to offset the impacts that the City has allowed to occur.¹ This delayed

¹ <https://novus.fontana.org/CoverSheet.aspx?ItemID=9794&MeetingID=890>

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Washington • Illinois • Minnesota • Vermont • Washington, DC

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mitigation obligation may have already resulted in a significant temporal impact to conservation of imperiled species, their critical habitats and sensitive plant communities (i.e. RAFSS and RSC). The Center already alerted the City to this serious problem in comments submitted on the Monarch Hills FEIR in February 2019. The City is still relying on the deeply flawed NFCP and presumably is still only collecting funds without acquiring mitigation lands in order to meet the requirements of section 10(a) of the federal Endangered Species Act for Habitat Conservation Plans and/or the California Natural Communities Conservation Plan Act (Fish and Game Code Section 2800 et seq.).



I-15 Logistics DEIR Fails to Adequately Evaluate Mitigation

The DEIR relies on Mitigation Measure BIO-5 which states:

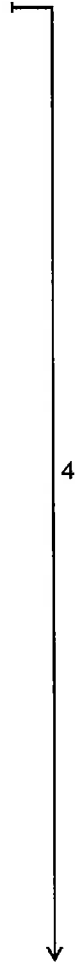
“**BIO-5** Pursuant to the City of Fontana’s tiered mitigation program for the North Fontana Conservation Program (NFCP), the Project shall mitigate impacts to Suitable Habitat, Restorable Riversidean Alluvial Fan Sage Scrub (RAFSS) Habitat, and Unsuitable Habitat through either one of two options:

1) Mitigation Fee Payment. Based on **Table 4.3-2, North Fontana Conservation Program Mitigation Cost**, the Project Applicant shall pay a mitigation fee payment of \$208,210.95 for the loss of Suitable Habitat, Restorable RAFSS Habitat, and Unsuitable Habitat on-site, as defined in the NFCP. Prior to the issuance of grading permits for any portion of the Project site within the boundaries of the NFCP, the Project Applicant shall submit to the City of Fontana Planning Division for review and approval, evidence that required fees have been paid.

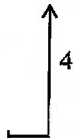
2) Conservation Easement/Mitigation Bank Credits. The Project Applicant shall either dedicate to a certified third-party land trust a permanent conservation easement for like habitat or purchase mitigation credits in a California Department of Fish and Wildlife (CDFW)-approved mitigation bank at a ratio of a minimum of 1:1. Proof of mitigation shall be provided to the City of Fontana Planning Division prior to the commencement of any ground disturbance activities.”

(DEIR pg. 1.0-9)

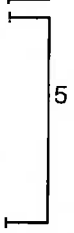
This mitigation measure fails to meet wildlife agency standard requirements for impacts to the critically endangered San Bernardino kangaroo rat (SBKR), its habitat and rare plant assemblages including RAFSS and RSC for numerous reasons. First, the NFCP is not a federally or state sanctioned HCP or NCCP under respective laws and therefore is an inappropriate mechanism to rely on to offset impacts as described in the above section and cannot be relied upon to offset the impacts. Secondly, the DEIR fails to appropriately evaluate both direct and indirect impacts to SBKR federally designated critical habitat as well as RAFSS and RSC. Thirdly, a 1:1 mitigation ratio is absurdly low and is insufficient to actually mitigate the project’s effects as required by CEQA; typically, a 5:1 mitigation ratio is required to offset impacts to federally designated critical habitat for such critically endangered animals as the



SBKR. Fourth, it is unclear that mitigation credits are actually available for the SBKR, RAFSS and RSC from CDFW-approved mitigation banks. In all, the mitigation measures fail miserably in identifying and offsetting impacts to the endangered SBKR and the rare plant communities of RAFSS and RSC.



In addition, the cumulative impact analysis falls woefully short of analyzing the numerous impacts to the habitat in the general area of the proposed project. It simply relies on Mitigation Measures 1 through 6 and wrongfully determines "Less Than Significant Impact with Mitigation Incorporated." (DEIR pg. 1.0-10). Based on the failure of BIO-5 to adequately offset impacts of the proposed project alone makes the cumulative analysis deficient.



The City must revise and recirculate the DEIR in order to correct these glaring shortcomings.

Conclusion

A lead agency must recirculate a DEIR for further public comment under any of four circumstances:

- (1) When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;
 - (2) When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation would not be required if mitigation that reduces the impact to insignificance is adopted;
 - (3) When the new information shows a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or
 - (4) When the draft EIR was "so fundamentally and basically inadequate and conclusory in nature" that public comment on the draft EIR was essentially meaningless.
- Guidelines § 15088.5.



Based on the comments above, it is clear that the FEIR must be re-drafted again and Conditions (3) and (4) above will be met by meaningful and adequate discussion of the project description, impacts, mitigation measures, and cumulative impacts.

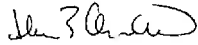
The above-described defects must be corrected before the City can lawfully approve the project. The current DEIR for I-15 Logistics fails to adequately disclose, analyze, avoid, minimize, and mitigate the environmental impacts of the proposed project. The current DEIR fails to comply with CEQA and fails to provide necessary information about the impacts of the project in many areas including biological resources and does not consider in adequate detail new information.

Neither decision-makers nor the public can make informed decisions about the costs to the environment of the proposed project based on this fundamentally flawed environmental review. The Center looks forward to reviewing a revised EIR that takes into account the issues raised in this comment letter and in letters provided by others. Thank you for keeping the Center



notified of developments regarding this project, and to that end please keep the Center on the list of interested persons for this project.

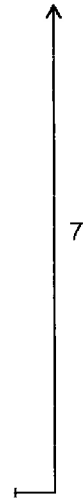
Sincerely,



Ilene Anderson
Senior Scientist
Center for Biological Diversity

cc via email:

Karin Cleary-Rose USFWS, karin_cleary-rose@fws.gov
Heather Pert CDFW, Heather.Pert@wildlife.ca.gov



RESPONSE NO. 9

Ileene Anderson, Senior Scientist
Center for Biological Diversity
September 27, 2019

- 9-1 This comment provides background information regarding the Center for Biological Diversity. 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. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on significant environmental issues.) The comment also states that it incorporates comments submitted by the California Native Plant Society. Those comments are responded to in Responses to Comments 10-1 through 10-13.
- 9-2 The commenter states that projects proposed to utilize the North Fontana Conservation Program (NFCP) are "fatally flawed, because impacts may not be/have not been adequately mitigated where this plan is/was relied on." The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees to mitigate impacts to Suitable Habitat, Restorable Riversidean Alluvial Fan Sage Scrub (RAFSS) Habitat, and Unsuitable Habitat. This change has been made to Section 4.3, *Biological Resources*, of the Draft EIR and is reflected below and in Section 3.0, Errata, of the Final EIR.

Page 4.3-28 through 4.3-29, Impact 4.3-2, Riparian Habitat and Other Sensitive Natural Communities

RIPARIAN HABITAT AND OTHER SENSITIVE NATURAL COMMUNITIES

Impact 4.3-2 **The project would potentially have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Five plant communities were observed within the boundaries of the Project Area during the habitat assessment: RSS, disturbed RAFSS, mixed riparian scrub, non-native grassland, and ornamental. Of the existing native vegetation communities on-site, Project development would impact two special-status plant communities: RSS and disturbed RAFSS. Additionally, as discussed in the *Caprock Warehouse Project 2018 Rare Plant Survey Report*, the southern and central portions of the Project Area are located within the boundaries of the NFCP. ~~The NFCP establishes a requisite for developers to pay a mitigation fee to offset impacts to RAFSS or RSS habitats.~~ As permitted by the City, an applicant may also dedicate a conservation easement of equivalent value to offset impacts to RAFSS or RSS habitats.

As shown in **Exhibit 4.3-2, North Fontana Conservation Program Fee Map**, the Project Area is divided into three habitats (or mitigation fee types) as defined by the NFCP:

- **Suitable Habitat:** Areas of suitable RAFSS and RSS that may support sensitive plant and wildlife species but do not support SBKR or CAGN to be mitigated at a 3:1 ratio.

- Restorable RAFSS Habitat: RAFSS and RSS habitats that no longer provides suitable habitat because of the maturation process and/or a heavy understory of non-native grasses but that could be restored to be mitigated at a 2:1 ratio. Non-native grasslands mixed with RAFSS and RSS that could be restored to an open RAFSS or RSS plant community structure to be mitigated at a 1:1 ratio.
- Unsuitable Habitat: Areas that no longer provide suitable habitat and are not considered restorable due to the level of disturbance to be mitigated at a 0.5:1 ratio.

~~Any development that occurs on-site—whether under the purview of the County or City’s land use plan—is subject to the provisions of the NFCP, including mitigation fees. Specifically, the proposed logistics facility would impact approximately 2.47 acres of Suitable Habitat, 35.97 acres of Restorable RAFSS Habitat, and 42.47 acres of Unsuitable Habitat. Pursuant to the City’s tiered mitigation fee under the NFCP, Suitable Habitat can be mitigated at a cost of \$6,210 per acre, Restorable RAFSS Habitat can be mitigated at a cost of \$4,140 per acre, and Unsuitable Habitat can be mitigated at a cost of \$1,035 per acre. Therefore, as detailed in **Table 4.3-2, North Fontana Conservation Program Mitigation Cost**, Project development would require payment of \$208,210.95 in mitigation costs under the NFCP or the dedication of a conservation easement of equivalent value.~~

Table 4.3-2: North Fontana Conservation Program Mitigation Cost

Habitat	Mitigation Cost Per Acre	Project Impact (acres)	Project Mitigation Cost
Suitable Habitat	\$6,210	2.47	\$15,338.70
Restorable RAFSS Habitat	\$4,140	35.97	\$148,915.80
Unsuitable Habitat	\$1,035	42.47	\$43,956.45
Total Project Mitigation Cost			\$208,210.95
Notes: RAFSS = Riversidean Alluvial Fan Sage Scrub			
Source: Michael Baker International 2016.			

Implementation of Mitigation Measure BIO-5 would ensure Project impacts related to the loss of Suitable Habitat, Restorable RAFSS Habitat, and Unsuitable Habitat, as defined in the NFCP, are mitigated and the Project complies with the provisions of the NFCP. Impacts in this regard would be reduced to less than significant levels.

Mitigation Measures

BIO-5 Pursuant to the City of Fontana’s tiered mitigation program for the North Fontana Conservation Program (NFCP), the Project shall mitigate impacts to Suitable Habitat, Restorable Riversidean Alluvial Fan Sage Scrub (RAFSS) Habitat, and Unsuitable Habitat through the following ~~either one of two options:~~

- 1) ~~Mitigation Fee Payment. Based on **Table 4.3-2, North Fontana Conservation Program Mitigation Cost**, the Project Applicant shall pay a mitigation fee payment of \$208,210.95 for the loss of Suitable Habitat, Restorable RAFSS Habitat, and Unsuitable Habitat on-site, as defined in the~~

~~NFCP. Prior to the issuance of grading permits for any portion of the Project site within the boundaries of the NFCP, the Project Applicant shall submit to the City of Fontana Planning Division for review and approval, evidence that required fees have been paid.~~

- 2)—Conservation Easement/Mitigation Bank Credits. The Project Applicant shall either dedicate to a certified third-party land trust a permanent conservation easement for like habitat or purchase mitigation credits in a California Department of Fish and Wildlife (CDFW)-approved mitigation bank at a ratio of a minimum of 1:1. Proof of mitigation shall be provided to the City of Fontana Planning Division prior to the commencement of any ground disturbance activities.

Page 4.3-32, Impact 4.3-6, Habitat Conservation Plans and Natural Community Conservation Plans

HABITAT CONSERVATION PLANS AND NATURAL COMMUNITY CONSERVATION PLANS	
Impact 4.3-6	The project has the potential to conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.
<p>The Project Area is not located within the boundary of an adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). However, the City’s NFCP is a local conservation program that provides a coordinated conservation effort in response to development in north Fontana. As discussed under Impact 4.3-2, portions of the Project Area are within the NFCP area. In accordance with the NFCP, Project impacts to Suitable Habitat, Restorable RAFSS Habitat, and Unsuitable Habitat would be mitigated with the payment of mitigation fees or the dedication of a permanent conservation easement on habitat of similar quality or the purchase of mitigation credits in a CDFW-approved mitigation bank at a minimum ratio of 1:1; refer to Mitigation Measure BIO-5. Implementation of Mitigation Measure BIO-5 would ensure the Project is consistent with the NFCP policies and thus, impacts would be less than significant.</p>	
Mitigation Measures	
None required.	
Level of Significance After Mitigation	
Impacts would be less than significant.	

Page 4.3-35, Paragraph Four, Impact 4.3-7, Cumulative Impacts

Further, as described above, the NFCP was prepared to address lands in north Fontana and the listed and special-status species that have the potential to occur on these lands. To

adequately mitigate for the loss of sensitive habitats, as required by CEQA, a tiered development mitigation fee was created for new development in north Fontana. The mitigation fee is based on the quality of the habitat on the development site and a site's potential to support SBKR, CAGN, or other special-status species occurring in the vicinity. The mitigation fee is charged for each acre of land proposed for development based on the habitat quality rating.

The Proposed Project and any other future public or private projects located within the boundaries of the Program area are subject to compliance with the NFCP, including the payment of fees, which helps cover the cost of acquiring habitat and implementing the Program. Therefore, the Proposed Project's contribution to the cumulative loss of native habitat would be fully mitigated by dedication of a permanent conservation easement on habitat of similar quality or the purchase of mitigation credits in a CDFW-approved mitigation bank at a minimum ratio of 1:1 ~~payment of the applicable mitigation fees~~. Overall, cumulative Project impacts on biological resources would be less than significant.

These changes provide a minor update, correction, or clarification and do not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

- 9-3 The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 9-4 The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 9-5 The commenter states that "the cumulative impact analysis falls woefully short of analyzing the numerous impacts to the habitat in the general area of the Proposed Project". The cumulative impacts analysis has been revised based on removal of references to payment of NFCP mitigation fees; refer to Response to Comment 9-2. Refer to Response to Comment 9-6 regarding why the changes to the Draft EIR do not require recirculation.
- 9-6 The commenter lists CEQA Guidelines Section 15088.5 requirements concerning recirculation and states that the Draft EIR must be recirculated based on Section 15088.5 (A)(3) and (4) of the CEQA Guidelines. CEQA Guidelines Section 15088.5 (A)(3) states recirculation is required if "a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." CEQA Guidelines Section 15088.5 (A)(4) states recirculation is required if a Draft EIR is "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." As noted previously, the Draft EIR has been revised to remove all references to payment of NFCP mitigation fees. Based on the proposed Errata, the Proposed Project would not result in individually or cumulatively significant impacts concerning Riparian Habitat and Other Sensitive Natural Communities and Habitat Conservation Plans and Natural Community Conservation Plans. As a result, the City of Fontana affirms that the Draft EIR does not satisfy CEQA Guidelines Section 15088.5 (A)(3) and (4) and recirculation is not required in this regard.
- 9-7 This comment serves as the conclusion to the comment letter and states that based on the preceding comments, "neither decision-makers nor the public can make informed decisions about the costs to the environment." The commenter has been incorporated into the City's public

interest list for the Proposed Project. Responses to specific comments are provided above; no further response is required.



September 27, 2019

DiTanyon Johnson, Senior Planner
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Submitted electronically to: djohnson@fontana.org
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Re: Draft Environmental Impact Report for I-15 Logistics (SCH No. 2018011008)

Dear Mr. Johnson,

Thank you for the opportunity to provide comments on the I-15 Logistics Draft Environmental Impact Report ("DEIR"), prepared in accordance with the California Environmental Quality Act ("CEQA"). The following comments are submitted on behalf of the California Native Plant Society ("CNPS").

CNPS is a non-profit environmental organization with more than 10,000 members in 35 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Based on our review of the DEIR, we offer the following comments and recommendations:

1. The North Fontana Conservation Program

Section 4.3-2 of the DEIR details the use of the North Fontana Conservation Program ("NFCP"), also known as the North Fontana Multiple Species Habitat Conservation Plan, as a suitable instrument for mitigating the project's permanent impacts to sensitive biological resources. Regarding the NFCP, please provide answers to the following questions:

1. Did the NFCP or any of its other iterations undergo CEQA analysis?
2. Did the NFCP ever receive approval as a suitable mitigation instrument by trustee wildlife agencies such as the California Department of Fish and Wildlife (CDFW) and the US Department of Fish and Wildlife Service (FWS)?
3. Are there plan documents that detail how the plan is to be implemented aside from the 12 page *Action Plan For implementing the North Fontana Conservation Program, 2016*?



4. Who is responsible for implementing the program? By implementing, we mean locating, assessing, purchasing, and managing conservation properties. Is it the City responsible? If so, has staff been delegated to complete these tasks?

5

5. Since the adoption of City Ordinance No. 1464 establishing the NFCP in 2004, through use of the NFCP, how many acres of Riversidean Alluvial Fan Sage Scrub (RAFSS) has the City of Fontana purchased in fee title or recorded a conservation easement over?

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If the City has determined its own mitigation fee without proper environmental review and without approval from or consultation with wildlife agencies this is a flagrant violation of California environmental law, because the City has not properly discerned the means by which it can adequately avoid or mitigate significant impacts, Pub Res C §21002, 21002.1(a)-(b). The tiered fee structure proposed by the NFCP and City Resolution No. 2004-190, which ranges from \$1,035 to \$6,210 per acre, is not only arbitrary, but also does not approach the sum of funds that would be needed to purchase, preserve, and manage nearby conservation lands that would be required to mitigate for impacts.

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For example, let's consider the discrepancies in mitigation requirements in Options 1 and 2 detailed in the DEIR Mitigation and Monitoring Plan, Section 4.3-Bio-5:

Option 1 of the DEIR Impacts Analysis states that, "In accordance with the NFCP, Project impacts to Suitable Habitat, Restorable RAFSS Habitat, and Unsuitable Habitat would be mitigated with the payment of mitigation fees". The fee set forth in Option 1 (BIO-5 DIER Section 1.0-8) is a mere \$208,210.95 for impacts to 38.44 acres of RAFSS. By the rationale of the NFCP, this fee should provide enough funding to adequately mitigate for a minimum ratio of 1:1 for 38.44 acres (a more likely acceptable mitigation ratio is 3:1 requiring 115 acres of mitigation) through the purchase/acquisition of a minimum of 38.44 acres of RAFSS, plus an endowment for perpetual maintenance and monitoring of these conservation lands.

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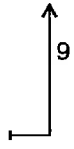
In contrast, Option 2 states, "The project Applicant shall either dedicate to a certified third party land trust a permanent conservation easement for like habitat[RAFSS] or purchase mitigation credits in a CDFW-approved mitigation bank at a ratio of a minimum of 1:1" (BIO-5 DIER Section 1.0-8). This is a standard mitigation practice statewide. Purchase through a certified mitigation bank for RAFSS costs approximately \$300,000 per acre at the nearest Vulcan Mitigation Bank, as of 2019. To satisfy mitigation requirements through banking at Vulcan, \$11,532,000 in credit would need to be paid to the mitigation bank.

In summary, Option 1 would allow the applicant to pay the fee (cost) \$208,210 for mitigation of impacts, whereas Option 2 would cost \$11,532,000. Please explain the large discrepancy (\$11,323,790) between these two options. We recognize that Option 2 may also include some amount of avoidance and on-site preservation, these measures that we support.

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It is clear that a fee of \$208,210 (Option 1) will not adequately mitigate for the impacts of this project given the presumed costs to acquire 38.44 acres of land, conduct environmental assessments, and fund a maintenance and monitoring endowment. Furthermore, the City has not proposed any sort of mitigation and monitoring program or any method for assessing and acquiring nearby conservation lands, nor has it developed a road map to do so, nor has it stated any desire to do so. If plans to purchase mitigation properties or plans exist, please provide details about the locations of these

properties, their size in acres, vegetation type, conservation plan/entity identified to administer a conservation plan, financial costs, details of facilitation, etc. The *Action Plan For implementing the North Fontana Conservation Program, July 2016*¹ (“AP-NFCP”), a 12 page document, describes none of these necessary elements



2. Inadequate Inventory and Mitigation of Sensitive Natural Communities

A fundamental purpose of the DEIR is to identify ways in which a proposed project’s significant environmental impacts can be mitigated for or avoided. Pub Res C §§21002.1(a), 21061. The DEIR fails to identify and discuss an adequate mitigation strategy for impacts to sensitive natural communities (see the California Department of Fish and Wildlife [“CDFW”] for more information²). As noted above and in our comment letter in response to the Notice of Preparation, impacts to sensitive natural communities are required to be addressed through CEQA.



The DEIR identifies a ‘forest’ of 90 individuals of California black walnut (*Juglans californica*) which is a California Rare Plant Rank (“CRPR”) 4.2 species (DEIR Section 4.3.4). There is some discussion of the rarity status of this species in the DEIR. However, in addition to its species level rarity status, *Juglans californica* Woodland Alliance (California walnut groves) is also a sensitive vegetation type, with a S3 rank, as identified by CDFW³. “Natural Communities with [state rarity] ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of California Environmental Quality Act and its equivalents.”

Mitigation measures for California black walnut are described in DEIR Mitigation Measure Bio-1:

Prior to construction, a qualified biologist shall flag all Southern California black walnut (Juglans californica) individuals located within the Project footprint for avoidance. If avoidance of the Southern California black walnuts is not feasible, a tree removal permit may be required from the City in compliance with the City of Fontana Municipal Code Chapter 28, Article III.

This measure is insufficient for several reasons:

1. The consulting biologist did not perform a valid delineation of vegetation types using the standards set by CDFW⁴. Also, impacts to additional sensitive vegetation types that could be present on the site cannot be ruled out. Therefore, it is impossible to determine if adequate mitigation measures have been identified. Consequently, the DEIR should be considered incomplete and deficient. Please provide the acreage and extent of the *Juglans californica* Woodland Alliance on the project site and develop an adequate avoidance or mitigation strategy to account for the impacts to this sensitive resource.
2. The mitigation measure uses “if/then” avoidance language, whereas Section 6.1 of Appendix C positively states that “approximately seventy-five (75) southern California black walnut individuals will be permanently affected by the proposed Project”. This measure must be rewritten to address the magnitude of stated impacts without using tentative language. The



¹ <https://novus.fontana.org/AttachmentViewer.ashx?AttachmentID=12873&ItemID>
² <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#environmental%20review>
³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline>
⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

impacts to *Juglans californica* are not speculative; they are known and clearly identified in Appendix C.

- 3. Impacts to *Juglans californica* Woodland Alliance need to be addressed in the mitigation measures. This vegetation type's status as a Sensitive Natural Community means that it cannot be adequately mitigated using the City's Municipal Code, Chapter 28.

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3. Insufficient Mitigation Measures for Rare Plant Species

The DIER states that Plummer's mariposa lily (*Calochortus plummerae*, CRPR 4.2) is present across the project site. Regionally, this species is declining due to habitat loss. Section 4.3-1 states that:

Mitigation Measure BIO-2 would require a pre-construction protocol plant survey be conducted to determine the presence of Plummer's mariposa lily during the appropriate blooming period. If Plummer's mariposa lily is found, a qualified biologist would be required to demarcate an avoidance zone around the plant species. If the individuals cannot be avoided, a seed collection and replanting plan shall be prepared and implemented. Implementation of Mitigation Measures BIO-1 and BIO-2 would reduce impacts to Southern California black walnut and Plummer's mariposa lily.

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Again, we reiterate that the City should avoid tentative language (see discussion on California black walnut above). Section 6 of Appendix C details 46 individuals of Plummer's mariposa that are present on the site. Consequently, the presence of this species is not hypothetical and requires mitigation. The City has not identified any locations for the off-site conservation of this species. Where will Plummer's mariposa lily be "replanted" as is required in Mitigation Measure BIO-2?

Once again, thank you for the opportunity to provide comments on the I-15 Logistics Project. Please provide us with any future notices and updates regarding this project.

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Sincerely,



Nick Jensen, PhD
 Southern California Conservation Analyst
 California Native Plant Society
 2707 K Street, Suite 1
 Sacramento, CA 95816
njensen@cnps.org

RESPONSE NO. 10

Nick Jensen, PhD, Southern California Conservation Analyst
California Native Plant Society
September 27, 2019

- 10-1 This comment provides a general introduction to the California Native Plant Society (CNPS). Responses to specific comments are provided below.
- 10-2 The commenter asks if the North Fontana Conservation Program (NFCP) was subject to CEQA. The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 10-3 The commenter asks if the NFCP received approval as a suitable mitigation instrument by trustee wildlife agencies such as the California Department of Fish and Wildlife (CDFW) and U.S. Department of Fish and Wildlife Service (USFWS). As noted on page 8 of the 2016 Action Plan, the USFWS and CDFW were consulted regarding the City's NFCP, the collection of mitigation fees, and potential avenues for acquiring conservation properties and/or conservation credits. However, the NFCP is not permitted under CDFW or USFWS as a Natural Community Conservation Plan or Habitat Conservation Plan. The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 10-4 The commenter asks if plan documents are available which detail how the NFCP will be implemented besides the 2016 Action Plan for Implementing the North Fontana Conservation Plan (Action Plan). The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 10-5 The commenter asks who is responsible for implementation of the NFCP. As noted on page 12 of the 2016 Action Plan, the City has determined that it would be feasible to develop a Memorandum of Agreement with the Western Riverside County Regional Conservation Authority (RCA) in Riverside County to implement the 2016 Action Plan. However, the City will continue its discussions with the Inland Empire Resources Conservation District (IE RCD) and the Riverside-Corona Regional Conservation District (RC RCD), as well as the Riverside Land Conservancy (RLC) and San Bernardino Valley Water Conservation District (SBVWCD), to ensure that a mechanism will be put in place in a timely fashion to ensure that the collected Mitigation Fees will be spent.
- 10-6 The commenter requests information regarding how many acres of Riversidean Alluvial Fan Sage Scrub (RAFSS) the City has purchased in fee title or recorded a conservation easement over since adoption of City Ordinance No. 1464 adopting the NFCP. The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2. This information is not necessary for the City of Fontana to make an environmentally informed decision on the Project and would not alter the conclusions of the Draft EIR.
- 10-7 The commenter states that the tiered fee structure proposed by the NFCP and City Resolution No. 2004-190 is arbitrary and does not approach the sum of funds that would be necessary to purchase, preserve, and manage nearby conservation lands that would be required to mitigate impacts. 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. 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.) Nevertheless, the City of Fontana will consider this information during Project deliberations.

- 10-8 The commenter expresses concern regarding the RAFSS mitigation fee discrepancy between Draft EIR Mitigation Measure BIO-5 Option 1 and Option 2. The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 10-9 The commenter states that it is clear that the RAFSS mitigation fee identified under Draft EIR Mitigation Measure BIO-5 Option 1 “will not adequately mitigate for the impacts of this Project given the presumed costs to acquire 38.44 acres of land, conduct environmental assessments, and fund a maintenance and monitoring endowment.” The commenter also expresses concern that the City has not proposed “proposed any sort of mitigation and monitoring program or any method for assessing and acquiring nearby conservation lands, nor has it developed a road map to do so, nor has it stated any desire to do so.” The Draft EIR has been revised to remove all references to payment of NFCP mitigation fees; refer to Response to Comment 9-2.
- 10-10 The commenter states that the Draft EIR “fails to identify and discuss an adequate mitigation strategy for impacts to sensitive natural communities.” The commenter summarizes the Draft EIR’s discussion for California black walnut (*Juglans californica*) and states that Woodland Alliance (i.e., groves) of the species are considered sensitive vegetation type with a S3 rank by the CDFW. As noted by the commenter, the Project Area supports 90 individuals of California black walnut which is identified as a California Rare Plant Rank (“CRPR”) 4.2 species; refer to Draft EIR page 4.3-5. Based on CRPR rankings, this species is classified as a “Plant of Limited Distribution: Watch List” with a threat rank of “Moderately Threatened in California;” refer to Draft EIR page 4.3-19. CRPR 4.2 species do not require formal evaluation under CEQA; see California Native Plant Society, *Technical Memorandum: Considerations for Including CRPR 4 Plant Taxa In CEQA Biological Resource Impact Analysis*, dated January 21, 2020, which states “CEQA guidelines provide criteria for defining endangered, rare, or threatened taxa and when impacts on these taxa should be considered potentially significant. However, CRPR 4 taxa do not clearly meet CEQA standards and thresholds for impact considerations.” As a result, revisions to the biological resources analysis for California black walnut is not necessary for the City of Fontana to make an environmentally informed decision on the Project and would not alter the conclusions of the Draft EIR. No changes have been incorporated in this regard.
- 10-11 The commenter states that Draft EIR Mitigation Measure BIO-1 is insufficient since the “consulting biologist did not perform a valid delineation of vegetation types using standards set by CDFW.” The commenter continues by stating that “impacts to additional sensitive vegetation types that could be present on the site cannot be ruled out.” The commenter requests the Draft EIR incorporate the acreage and extent of California black walnut Woodland Alliance on the Project site and incorporate an avoidance or mitigation strategy to account for impacts to this species. Refer to Response to Comment 10-10.
- The commenter requests Mitigation Measure BIO-1 is revised to remove “if/then” avoidance language. Revising Mitigation Measure BIO-1 to remove references to conditional language is not necessary for the City of Fontana to make an environmentally informed decision on the Project and would not alter the conclusions of the Draft EIR. No changes have been incorporated in this regard.
- The commenter states that *Juglans californica* Woodland Alliance’s status as a Sensitive Natural Community “means that it cannot be adequately mitigated using the City’s Municipal Code, Chapter 28.” Refer to Response to Comment 10-10.

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- 10-12 The commenter requests Mitigation Measure BIO-2 is revised to avoid “if/then” avoidance language. The commenter also states that the 46 individuals of Plummer’s mariposa lily identified by the Draft EIR require mitigation and asks where the species will be replanted as required under Mitigation Measure BIO-1. Revising Mitigation Measure BIO-1 to remove references to conditional language and specifically reference the number and relocation locations for Plummer’s mariposa lily is not necessary for the City of Fontana to make an environmentally informed decision on the Project and would not alter the conclusions of the Draft EIR. Rather, CEQA allows for specific details of a mitigation measure to be developed after Project approval when it is impractical or infeasible to include those details during the Project’s environmental review (CEQA Guidelines Section 15126.4(a)(1)(B)). Since the potential exists that more than 46 individuals of the species could be present prior to Project construction, Mitigation Measure BIO-1 appropriately reduces impacts to Plummer’s mariposa lily because the EIR commits the Project Applicant to such mitigation and lists what would be required if the species is identified during the future protocol-level floristic survey of the Project site. No changes have been incorporated in this regard.
- 10-13 This comment serves as the conclusion to the comment letter. The commenter has been incorporated into the City’s public interest list for the Proposed Project. Responses to specific comments are provided above; no further response is required.

Lani R. Gusman, D.V.M., M.P.H.
3870 Lytle Creek Road
Fontana, California 92336

September 27, 2019

Di'Tanyon Johnson
Senior Planner, City of Fontana
Community Development – Planning Division
8353 Sierra Avenue
Fontana, California 92335

Dear Mr. Johnson,

Thank you for allowing comments and concerns to be received regarding the I-15 Logistics Project of San Bernardino County. The research performed on the proposed Project is impressive and thorough. As an 'Immediately Surrounding Property', several concerns arise regarding traffic impacting emergency preparedness. In addition to traffic and safety, concerns arise regarding the value of our property as it will be impacted by noise, pollution, lack of scenery, and re-zoning.

We have been affiliated with 3870 Lytle Creek Road for over 30 years and are aware of the potential fire and other natural hazards. May 13, 2013 a fire devastated the proposed Project site, crossed Lytle Creek Road, and burned the Northern and Western areas of the Monarch Mountains. Our escorted evacuation route was through Lytle Creek Road and north on Sierra with horses in tow, as the fire was burning southwest of the property. The I-15 Logistics EIR (Aug 2019) currently illustrates Lytle Creek Road becoming a cul-de-sac for adjacent parcels and is listed as a Public Access Road. To combat traffic and facilitate commutes, I-15 Logistics Project proposes the rerouting and widening of Lytle Creek Road. This is to accompany the estimated 3,112 vehicle trips per with a speed limit of 40 miles per hour, as stated in the Traffic Impact Analysis and EIR. The Logistics facility is to operate 24 hours per day and employ approximately 500-1,000 full-time employees. The Reports and Analyses do not include the hundreds of jobs and employees who are to facilitate erection of this building. The current traffic in addition to the traffic created by the I-15 Logistics Project will significantly increase the Hazard Vulnerability Analysis by ways of evacuation route, speed of evacuation, and access for aid/response. While the anticipated increase in traffic is being addressed in the proposal, the negative effects that will impact the current residents has not been addressed. The City of Fontana is to ensure all citizens, workers and residents, have multiple accesses to safety.

As discussed at the public hearing on September 17, 2019, Caprock Partners Management has proposed the Logistics Facility's 199 dock doors would not face east as to improve/not hinder the aesthetics of the Facility, City, and County for the I-15 drivers and passengers. The results of this 'feature' will now negatively affect the current residents of the Immediately Surrounding Properties and property value. Pollution produced by the facility, noise of 24 hour operation and constant traffic created by construction, employees, and truck deliveries as previously stated will now greatly decrease property value for all surrounding parcels. To potentiate value for the

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surrounding properties and create opportunities for new businesses, a discussion regarding the potential for water, sewage, and other utility connections is welcomed. The I-15 Logistics Project proposals have not yet projected the impacts this Project will have on surrounding parcels, residents, and businesses in the future to come.

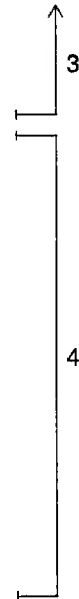
This Project is to create thousands of jobs during construction and operation and ultimately stimulate the work-force and economy for the City of Fontana. While the residents of Fontana are in support of jobs and progress for the City, we also beg for your consideration and support for our existing livelihood. A consensus can be achieved through proper communication and planning.

Thank you for your consideration, Mr. Johnson

Regards



Lani R. Gusman, D.V.M, M.P.H



RESPONSE NO. 11

Lani R. Gusman
September 27, 2019

- 11-1 The commenter identifies concerns regarding the Project's traffic-related impacts to emergency preparedness. The commenter also expresses concern that the Project would negatively impact their property value based on impacts to noise, pollution, scenery, and re-zoning. While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, property value impacts are not considered an environmental impact under CEQA and therefore are not analyzed in the EIR. Responses to specific concerns are addressed in Response to Comments 11-2 through 11-4.
- 11-2 The commenter summarizes the Project's proposed realignment of Lytle Creek Road, estimated trips per day, and operational characteristics including hours of operations and number of employees. Concerning the commenter's statement that the Project would turn Lytle Creek Road into a cul-de-sac, it is noted that the northernmost portion of the former Lytle Creek Road would be vacated but left in place for continued property access to adjacent parcels; refer to Draft EIR Exhibit 3.0-13, *Proposed Road Realignment*. The roadway to be left in place is located approximately 800 feet from Sierra Avenue and would include an approximate 600-foot portion of existing Lytle Creek Road that would be converted into a cul-de-sac.

The commenter's statement that the Draft EIR does not analyze the impacts associated with employee and construction-related trips is incorrect. In Section 4.13, *Transportation*, of the Draft EIR analyzes both the vehicular and truck traffic generated during Project construction (i.e., all construction-related trips, including trips associated with construction workers) and includes Mitigation Measure TR-1 to require implementation of a Traffic Management Plan (TMP) to be established prior to any construction or demolition permits. 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 (including those related to emergency access) are reduced to less than significant levels. It is noted that employee trips were included in the Project's Traffic Impact Analysis (TIA); refer to Draft EIR Appendix I Table 10, *Proposed Project Trip Generation in Vehicles*. As shown in TIA Table 10, Project operations would result in 1,412 daily passenger car trips (includes Project employees).

Potential growth-inducing impacts associated with the Project's temporary construction workforce are analyzed in Draft EIR Section 7.1.2, *Economic Growth*. As concluded in Draft EIR Section 7.1.2, construction of the Project would not stimulate significant population growth or a population concentration above what is assumed in local and regional land use plans. Therefore, construction of the Proposed Project would have less than significant growth-related impacts.

Concerning the commenter's concerns regarding the Project's potential to result in inadequate emergency access, and as discussed in Draft EIR Section 4.13, the Project Area and surrounding area have access to several fully improved roadways, including I-15, which provide full emergency access to the Project Area. Construction activities, which may temporarily restrict vehicular traffic, would be required to comply with the construction TMP to facilitate the passage of persons and

vehicles through/around any required road closures; refer to Mitigation Measure TR-1. Additionally, the Proposed Project design would be submitted to and approved by the Fontana Police Department and San Bernardino County Fire Department prior the issuance of building permits. These agencies will review the site design for issues relating to evacuation and first responder access, to both the site and the existing surrounding development. The conceptual Project design would provide two main access points from opposite ends of Lytle Creek Road to the Logistics Site, which would comply with fire and emergency access standards. Adherence to applicable existing local and State requirements related to emergency access would reduce impacts associated with this issue to a less than significant level.

- 11-3 The commenter expresses concern that the orientation of the Logistic Facility's dock doors would result in air pollution, noise, and traffic impacts on surrounding parcels. As depicted on Draft EIR Exhibit 3.0-11, *Elevations*, the southern façade of the Logistics Facility facing I-15 has been redesigned to address community concerns and improve the aesthetics of the Project as viewed from this perspective. Loading docks would not be visible to vehicles travelling along I-15. Similarly, development of the Logistics Facility is not anticipated to substantially degrade the existing visual character or quality of public views of the site and its surroundings. As concluded in Draft EIR Section 4.1, *Aesthetics*, the proposed warehouse building (not including parking and other amenities) would extend approximately 1,820 feet fronting Lytle Creek Road and I-15 and would be approximately 640 feet wide. The approximately 50-foot-high warehouse building would be set back approximately 320 feet from the Lytle Creek Road property line and approximately 160 feet from the I-15 property line, which would lessen massing from I-15. An 8-foot-high wrought iron fence would surround the property in all directions. In areas fronting I-15, fencing block wall could be up to 14 feet high to screen parked trucks. Property fencing would be set back approximately 20 feet from the property line. Trees would be planted between the property line and the proposed wrought iron fence to shield the fence. Ornamental landscaping would be provided all around the property. Additionally, an on-site detention flood control and infiltration basin would be installed on the southernmost portion of the property. Therefore, impacts associated with visual character and quality as experienced from public views of the Project site would be less than significant.

The commenter also states that Project pollution, noise of 24-hour operation, and traffic created by construction, employees, and truck deliveries would "greatly decrease property value for all surrounding parcels." In regard to pollution, while the Project's cumulative impacts on air quality would be significant and unavoidable, even with mitigation, it should be noted that no criteria pollutant would exceed South Coast Air Quality Management District (SCAQMD) thresholds during localized construction or operational emissions; refer to Draft EIR Section 4.2, *Air Quality*. Additionally, the Project would be required to prepare and submit a Storm Water Pollution Prevention Plan and would have to identify and implement best management practices to reduce impacts to surface water; refer to Draft EIR Section 4.09, *Hydrology and Water Quality*. In regard to noise, it should be noted that the Draft EIR determined that the Project's 24-hour operations would result in less than significant operational noise impacts; refer to Draft EIR Section 4.11, *Noise*. In regard to traffic, Project construction would result in traffic volumes greater than existing conditions, however, temporary construction-related impacts would be reduced with a Construction Traffic Management Plan. Significant impacts to Sierra Avenue/Riverside Avenue would be mitigated with a new traffic signal, reducing the Project's impacts to less than significant on the local roadway system. While the Project would result in cumulatively significant and unavoidable impacts related to I-15 freeway mainline and on and off ramps, the freeway

segments analyzed are forecasted to operate at LOS E and F, with or without the Project; refer to Draft EIR Section 4.13, *Transportation*.

The Project will not result in any impacts relating to water, sewer, or other utility connections on surrounding properties, therefore the Draft EIR does not propose or require installation of water, sewage, or other utility connections to surrounding residents. CEQA mitigation measures must have a nexus (i.e., connection) to potentially significant impacts caused by the project. Refer to Draft EIR Section 4.15, *Utilities and Service Systems*, for a discussion of the Project's proposed utilities and impacts relating to the same.

- 11-4 This comment serves as the conclusion to the comment letter. Responses to specific comments are provided above; no further response is required.

RESPONSE NO. 12

City of Fontana Regular Planning Commission Hearing Oral Comments
September 17, 2019

- 12-1 The City of Fontana received multiple public comments during its Regular Planning Commission Hearing; however, the same general environmental concerns were raised. As such, the following master response is provided.

Hazardous Conditions Related to Wildfire and Emergency Access

Several commenters expressed concern that the Project could exacerbate emergency conditions during natural disasters, such as wildfire. As noted in Draft EIR Section 4.16, Wildfire Hazards, the outbreak and spread of wildland fires within the Project Area is a potential danger, particularly during the hot, dry summer and fall months. As a result, the Project Site and other undeveloped natural areas to the north, east, and south represent a potential wildland fire threat to surrounding uses. However, the Proposed Project would not exacerbate risks of wildland fire hazard following conformance with the California Building Code, California Fire Code, Municipal Code, and Fontana Fire Protection District (FFPD) requirements. As detailed in Draft EIR Section 2.0, *Project Description*, the Project would develop concrete tilt-up logistics facility on the Logistics Site that would provide setbacks in the form of parking areas, site paving, and landscaped areas; refer to Draft EIR Exhibit 3.0-10, Conceptual Site Plan. The Logistic Center's concrete construction and setbacks would improve the Proposed Project's fire resistance and create defensible space. In addition, the Project's proposed realignment of Lytle Creek Road would improve area circulation and better allow FFPD emergency access to the Project Area. Refer also to Response to Comment 6-7. Other concerns identified were related to the Project's potential to impact circulation patterns or emergency access routes in the Project vicinity. Refer to Response to Comment 11-2. As noted in Draft EIR Section 4.13, *Transportation*, the Project Area and surrounding area have access to several fully improved roadways, including Interstate 15 (I-15), which provide full emergency access to the Project Area. The conceptual Project design would provide two main access points from opposite ends of Lytle Creek Road to the Logistics Site, which would comply with fire and emergency access standards. As noted in Draft EIR Section 4.13, the Proposed Project would not result in significant impacts to emergency access as the Project design would be submitted to and approved by the Fontana Police Department (FPD) and San Bernardino County Fire Department (SBCFD) prior the issuance of building permits. Cumulative development, such as that related to the Monarch Hills Project, would also be required to undergo review with the FPD and SBCFD prior to the issuance of building permits and would be subject to compliance with applicable existing local and State requirements related to emergency access. As a result, impacts would be less than significant.

Similarly, surrounding resident access would not be hindered by implementation of the Proposed Project. As depicted on Draft EIR Exhibit 3.0-14, *Proposed Circulation and Improvements*, access to surrounding residential uses would be preserved via private access roads which would prohibit Project-related truck traffic.

Floodplain Hazards

A commenter expressed concerned about the proximity of the 100-year flood plain north of the Proposed Project. As noted in Draft EIR Section 5.0, *Effects Found Not to be Significant*, Federal Emergency Management Agency (FEMA) (2008) Flood Insurance Rate Map No. 06071C7915H

identifies the Project site as being in Flood Hazard Zone X, which is defined as an area of minimal flood hazard outside of both a 1 percent Annual Chance Flood Hazard Zone (100-year floodplain) and a 0.2 percent Annual Chance Flood Hazard Zone (500-year floodplain). As a result, the Project site is not located in a flood hazard area.

Hazardous Conditions Related to Truck Traffic

Commenters expressed concern that Project operations would allow truck drivers to utilize local roadways and requested the Project prohibit left turn movements onto Lytle Creek Road from the Project site. As depicted on Draft EIR Exhibit 3.0-14, all truck traffic associated with Project operations would be directed east of the Logistics Facility towards Sierra Avenue.

A commenter also expressed concern regarding bike lane safety on Lytle Creek Road. As noted in Draft EIR Impact 4.13-2, the Project would not interfere with the development of future bicycle facilities or hinder with the improvement of existing facilities. According to the Fontana Active Transportation Plan (ATP) Figure 5.1, *Existing, Planned, and Recommended Bikeway Network*, there are no planned or proposed bikeways in the Project vicinity. No impact would occur in this regard. Refer to Response to Comment 11-2 regarding potential impacts from design-related hazards.

Traffic Assumptions and Impacts to Local Residents

Several commenters expressed comments pertaining to the potential number of traffic trips the Proposed Project would generate. The Proposed Project's operational trips were determined using the Institute of Transportation Engineers (ITE) *10th Edition Trip Generation Manual* trip generation rates. Draft EIR Table 4.13-8, *ITE Trip Generation Rates*, summarizes the ITE trip generation rates used as well as the breakdown by vehicle type (passenger car, 2-axle trucks, 3-axle trucks, and 4+axle trucks) according to the South Coast Air Quality Management District (SCAQMD).

Employee-related traffic is incorporated into the Project's traffic modeling; refer to Draft EIR Table 4.13-10, *Proposed Project Trip Generation (PCEs)*. As identified in Draft EIR Table 4.13-10, Project operations would generate 1,412 passenger car (employee) trips, in addition to truck-related trips. It should be noted that the Project would employ approximately 500-1,000 full-time employees depending on the tenant who utilizes the facility. For the analysis contained in the Draft EIR, it was conservatively assumed that 1,000 employees would be working at the facility based on correspondence with the Project Applicant. As a result, the Proposed Project would result in substantially fewer employee trips than "fulfillment centers that employ up to 4,000 employees."

Air Quality Assumptions

Commenters expressed concern about the significant and unavoidable impacts pertaining to air quality. Nitrogen oxide (NO_x) emissions were calculated using the California Emissions Estimator Model (CalEEMod version 2016.3.2). As noted in Draft EIR Table 4.2-1, *Criteria Air Pollutants Summary of Common Sources and Effects*, NO_x is formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel. The Draft EIR includes three mitigation measures to reduce the Project's significant and unavoidable operational NO_x emissions (Mitigation Measures AQ-2 through AQ-4); refer to Draft EIR Page 4.2-16. Although the operational mitigation measures identified in the Draft EIR would serve to reduce operational emissions associated with the Proposed Project, the extent to

which such measures would result in reductions is not quantifiable due to the modeling limitations of mitigation found within CalEEMod. Further, air quality quantification methodology has not been documented and proven for Mitigation Measures AQ-2 through AQ-4. As such, any attempt to quantify air quality emissions would lack substantial evidence. No mitigation measures beyond Mitigation Measures AQ-2 through AQ-4 would reduce Project-related impacts to levels that are less than significant. Long-term Project operation would generate NO_x emissions that exceed the applicable SCAQMD thresholds. Therefore, impacts resulting from the Project's long-term operation are considered significant and unavoidable. Refer to Response to Comments 3-9, 3-10, 5-10, 5-11, and 8-21 regarding the feasibility of additional mitigation measures.

In addition, a commenter noted that the CalEEMod output sheets did not include hauling trips during the site preparation or grading phases. To address this comment, the modeling was redone to including the requisite export hauling trips, and no new significant impacts were identified. Refer to Response to Comment 8-6. The commenter also indicated that the CalEEMod output sheets did not include the overflow parking area. However, this overflow parking area has been removed from the Proposed Project. Refer to Response to Comment 8-4.

Construction Assumptions

A commenter requested clarification regarding the Project's anticipated construction schedule and construction employment assumptions. The logistics facility would be developed in a single phase, with construction taking approximately 12 months. Should the Project be approved, construction is anticipated to commence in January 2021 and be completed in January 2022. Thus, the logistics facility is expected to open in January 2022; refer to Comment 3-3. According to the Project Applicant, Project construction would employ up to 300 construction workers. Construction air quality emissions modeling was redone to clarify these construction assumptions. No new potentially significant impacts were identified. Refer to Response to Comments 3-3, 3-7, and 5-6.

Air Quality Impacts to Sensitive Receptors

Commenters raised concerns regarding air quality impacts in the Project's near vicinity. Impacts of Project-related air quality impacts to nearby sensitive receptors are discussed in Response to Comments 5-2, 5-3, and 7-7.

Visual Character/Quality

Several commenters noted that the Project site functions as a gateway to the City of Fontana and requested that monument signage be incorporated into the Project's Design. The request for monument signage to be incorporated into the Project's design 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. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) Refer to Response to Comment 11-3 for a discussion on the Project's potential to impact the visual character/quality of the area.

Section 3.0 Errata

Changes to the Draft EIR have been incorporated into a revised Draft EIR document, which is included as Attachment 1, Revised Draft EIR of this document. 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 13, 2019 through September 27, 2019. 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.

APPENDIX EDITS

The following Draft EIR Appendices have been supplemented with the identified technical memorandums.

Appendix B, Air Quality Impact Analysis, Health Risk Assessment, Greenhouse Gas Emissions Report

- I-15 Logistics Center Alternative – Air Quality Technical Memorandum, prepared by Michael Baker International, dated March 25, 2020.
- I-15 Logistics Center Alternative – Energy Analysis Technical Memorandum, prepared by Michael Baker International, dated March 25, 2020.
- I-15 Logistics Center Alternative – Greenhouse Gas Technical Memorandum, prepared by Michael Baker International, dated March 25, 2020.
- I-15 Logistics Center Alternative – Health Risk Assessment Technical Memorandum, prepared by Michael Baker International, dated March 25, 2020.

Appendix H, Acoustical Analysis

- I-15 Logistics Center Alternative – Acoustical Technical Memorandum, prepared by Michael Baker International, dated March 25, 2020.

EXHIBIT EDITS

Draft EIR Exhibit 3.0-6B, Existing Pre-Designated Land Use Designations, Draft EIR Exhibit 3.0-7A, Proposed Pre-Zoning Designations – Option 1, and Draft EIR Exhibit 3.0-7C, Proposed Land Use Designations – Option 1, were revised to change the acronym for the General Commercial land use designation (C-G). The proposed pre-zoning designation and land use designation for Assessor's Parcel Number 023904115 was updated to Light Industrial (I-L), and this parcel was included in the Logistics Site boundaries. Draft EIR Exhibit 3.0-7C was also revised to correct the proposed land use designation of Assessor's Parcel

Numbers 023909207 and 023909307 to Public Utility (P-UC). Draft EIR Exhibit 3.0-10, *Conceptual Site Plan*, was revised to remove the reference to the “Overflow Trailer Parking Area.” In addition, a new exhibit (Exhibit 8.0-1, SB 330 Compliance Alternative) was incorporated into Draft EIR Section 8.0, *Alternatives*, to show the limits of the proposed SB 330 Compliance Alternative. These exhibits are presented on the following pages.

TEXT EDITS

As noted previously, all revisions to the Draft EIR have been incorporated into Attachment 1, Revised Draft EIR. A double underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text.

RECIRCULATION OF THE DRAFT EIR NOT REQUIRED

The CEQA Guidelines § 15088.5 describe the conditions under which a Draft EIR that was previously circulated for public review is required to be re-circulated for additional public review and comment. CEQA Guidelines § 15088.5 states that new information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. According to CEQA Guidelines § 15088.5, “Significant new information” requiring recirculation includes:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

Based on the letters received by the City of Fontana during the 45-day public review period, and outlined in Section 2.0 of this document, minor revisions and corrections have been made to the Draft EIR document. The revisions do not result in a new significant environmental effect or increase the severity of an environmental impact. Based on comments received during public review, minor modifications have been made to existing mitigation measures that make the measures increasingly effective. These changes have been accepted by both the project proponent and the City.

A new alternative, the SB 330 Compliance Alternative, has been added in compliance with SB 330 (the Housing Crisis Act). This legislation was signed into law after the public review period of the Draft EIR

document. This alternative was not added due to comments received on the Draft EIR but was added in compliance with SB 330.

Therefore, recirculation of the Draft EIR is not warranted under CEQA Guidelines § 15088.5.

Section 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 I-15 Logistics Project (Project or Proposed 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 I-15 Logistics 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.

**Table 4.0-1
Mitigation Monitoring and Reporting Checklist**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
Air Quality								
AQ-1	<p>The construction contractor will use the following dust suppression measures from the SCAQMD CEQA Air Quality Handbook to reduce the Project's emissions:</p> <ul style="list-style-type: none"> • Suspend all excavating and grading operations when wind speeds exceed 25 mph. • Sweep all streets once per day if visible soil materials are carried to adjacent streets. • Install "shaker plates" prior to construction activity where vehicles enter and exit unpaved roads, or wash trucks and equipment prior to their leaving the site. • Water all active portions of the construction site every three hours during daily construction activities and when dust is observed migrating from the Project site to prevent excessive amounts of dust. 	Construction Contractor	During Construction	Public Works Department	During Construction			
AQ-2	<p>All Logistics Facility truck access gates and loading docks within the Logistics Facility shall have a sign posted that states:</p> <ul style="list-style-type: none"> • Truck drivers shall turn off engines when not in use. • Truck drivers shall shut down the engine after 5 minutes of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking break is engaged. • Telephone numbers of the building facilities manager and CARB to report violations. 	Construction Contractor	During Construction	Public Works Department	During Construction			

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
AQ-3	The Project applicant shall make all Logistics Facility tenants aware of funding opportunities, such as the Carl Moyer Memorial Air Quality Standards Attainment Program and other similar funding opportunities, by providing applicable literature on such funding opportunities as available from the California Air Resources Board.	Project Applicant	Prior to Business License Approval	Community Development Department – Planning Division	Prior to Business License Approval			
AQ-4	The Logistics Facility site plan design shall provide a minimum of two <u>ten</u> on-site <u>Level 2</u> electric vehicle charging stations for employees and guests.	Project Applicant	Prior to Grading Permit Issuance	Community Development Department – Planning Division	Prior to Grading Permit Issuance			
Biological Resources								
BIO-1	Prior to construction, a qualified biologist shall flag all Southern California black walnut (<i>Juglans californica</i>) individuals located within the Project footprint for avoidance. If avoidance of the Southern California black walnuts is not feasible, a tree removal permit shall be obtained from the City in compliance with the City of Fontana Municipal Code Chapter 28, Article III.	Project Applicant/ Qualified Biologist	Prior to Construction	Community Development Department – Planning Division	Prior to Construction			
BIO-2	Prior to approval of grading permits, a qualified biologist shall conduct a protocol-level floristic survey of the proposed development area for the Plummer's mariposa lily (<i>Calochortus plummerae</i>) within the appropriate blooming period. If Plummer's mariposa lily is found during the surveys within the proposed development area, a qualified biologist shall establish clearly demarcated avoidance zones around the plant species. If the plant populations cannot be avoided, the Project Applicant shall hire a qualified biologist to prepare a seed collection and replanting plan to reduce impacts to the identified special-status plant populations. The replanting plan must identify potential replanting area(s) sufficient to support the number of plants impacted by the proposed Project. The floristic survey report, seed collection, and replanting plan, and evidence of compliance with provisions of the replanting plan shall be	Project Applicant/ Qualified Biologist	Prior to Grading Permit Approval	Community Development Department – Planning Division	Prior to Grading Permit Approval			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
BIO-3	<p>reviewed and approved by the City of Fontana Planning Division prior to the commencement of ground disturbing activities.</p> <p>A biological monitor shall be present on-site during all ground-disturbing activities to monitor construction activities and limits to ensure that special-status wildlife species with high to moderate potential to occur on-site (i.e., loggerhead shrike [Lanius ludovicianus], Cooper's hawk [Accipiter cooperii], northern harrier [Circus cyaneus], San Diego black-tailed jackrabbit [Lepus californicus bennettii], California glossy snake [Arizona elegans occidentalis], coastal whiptail [Aspidoscelis tigris stejnegeri], and coast horned lizard [Phrynosoma blainvillii]) and that are observed on-site are not adversely affected, , at the discretion of the biological monitor, by construction activities. The biological monitor shall have the authority to halt construction activities should any special-status wildlife species be observed on-site until the species has left the active construction areas.</p>	Project Applicant/ Biological Monitor	During all Ground-Disturbing Activities	Public Works Department	During all Ground-Disturbing Activities			
BIO-4	<p>Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but it can vary slightly from year to year based on seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a preconstruction clearance survey for nesting birds shall be conducted within 30 days of the start of any vegetation removal or ground-disturbing activities to ensure no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur.</p> <p>If an active avian nest is discovered during the preconstruction clearance survey, construction activities</p>	Construction Contractor/ Qualified Biologist	30-Days Prior to Ground Disturbing Activities/ During Construction	Public Works Department	30-Days Prior to Ground Disturbing Activities/ During Construction			

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance	
		Responsibility	Timing	Responsibility	Timing	Initials	Date
BIO-5	<p>shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer is expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.</p> <p>As part of the nesting bird clearance survey, a preconstruction burrowing owl clearance survey shall be conducted within 30 days of the start of ground-disturbing activities to ensure burrowing owl remain absent from the Project Area.</p> <p>Pursuant to the City of Fontana's tiered mitigation program for the North Fontana Conservation Program (NFCP), the Project shall mitigate impacts to Suitable Habitat, Restorable Riversidean Alluvial Fan Sage Scrub (RAFSS) Habitat, and Unsuitable Habitat through <u>the following either one of two options:</u></p> <ul style="list-style-type: none"> 1) Mitigation Fee Payment—Based on Table 4.3-2; North Fontana Conservation Program Mitigation Cost, the Project Applicant shall pay a mitigation fee payment of \$208,210.95 for the loss of Suitable Habitat, Restorable RAFSS Habitat, and Unsuitable Habitat on-site, as defined in the NFCP. Prior to the issuance of grading permits for any portion of the project site within the boundaries of the NFCP, the Project Applicant shall submit to the City of Fontana Planning Division for review and approval, evidence that required fees have been paid. 2) Conservation Easement/Mitigation Bank Credits. The Project Applicant shall either dedicate to a certified third-party land trust a permanent conservation easement for like habitat or purchase mitigation credits in a California Department of Fish and Wildlife (CDFW)-approved mitigation bank at a ratio of a minimum of 1:1. Proof of mitigation shall 	Project Applicant	Prior to Ground Disturbing Activities	Community Development Department – Planning Division	Prior to Ground Disturbing Activities		

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
BIO-6	<p>be provided to the City of Fontana Planning Division prior to the commencement of any ground disturbance activities.</p> <p>Prior to issuance of any grading permits for permanent impacts in jurisdictional features, the Project Applicant shall provide to the City of Fontana Planning Division documentation from the USACE, RWQCB and CDFW of the lack of federal and state jurisdictional waters on the Project site, or documentation that a Federal Clean Water Act Section 404 permit, a Report of Waste Discharge certification from the Regional Water Quality Control Board (RWQCB); and/or 32 a Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the California Department of Fish and Wildlife (CDFW) have been obtained. The type, amount, and location of any required mitigation (including payment of fees or purchase of credits) shall be established by each regulatory agency during the review of any required permit</p>	Project Applicant	Prior to Grading Permit Issuance	Community Development Department – Planning Division	Prior to Grading Permit Issuance			
Cultural Resources								
CR-1	Data Collection. Prior to any Project-related impacts, Historic American Building Survey (HABS) style photographic documentation shall be prepared for the historic stone house at 4055 Lytle Creek Road. While the photographs will meet HABS standards, only local curation (and no federal curation or involvement) will be necessary. The photographic documentation shall be provided to the City (and any required local repositories) for curation.	Qualified Historian	Prior to Construction	Community Development Department – Planning Division	Prior to Construction			
CR-2	An archaeological monitor with at least 3 years of regional experience in archaeology and tribal monitors representing the consulting tribes (San Manuel Band of Mission Indians) shall be present for all ground-disturbing activities below 2 feet that occurs within the Proposed Project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate	Qualified Archaeologist/ Tribal Monitors Representing the San Manuel Band of Mission Indians	All Ground-Disturbing Activities Below 2 Feet that Occur within the Proposed Project Area	Community Development Department – Planning Division	All Ground-Disturbing Activities Below 2 Feet that Occur within the			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
CR-3	<p>removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.].</p> <p>A Monitoring Plan shall be created prior to any and all ground-disturbing activity in consultation with the consulting tribes and agreed to by all parties. The Monitoring Plan shall include details regarding the monitoring process, as well as the Treatment and Disposition Plan described in Mitigation Measure CR 3. A sufficient number of archaeological and tribal monitors shall be present each workday to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage</p>	Qualified Archaeologist	Prior to Ground Disturbing Activities	Community Development Department – Planning Division	Prior to Ground Disturbing Activities			
Geology and Soils								
GEO-1	All Project structures shall be constructed pursuant to the most current CBC seismic building design and construction standards, as determined by the City as part of the grading plan and building permit review process.	Project Applicant/ Contractor	Grading Plan and Building Permit Review Process	Building and Safety Department	Grading Plan and Building Permit Review Process			
GEO-2	The Project shall comply with the established no-build setback zone depicted in the Geotechnical Investigation (CHJ Consultants, 2014), and all grading operations, including site clearing and stripping, shall be observed by	Project Applicant/ Geotechnical Engineer	During Construction	Building and Safety Department	During Construction			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
GEO-3	<p>an onsite representative of the Project's geotechnical engineer. All final plans shall be reviewed by the City of Fontana's Building and Safety Division to verify that the Geotechnical Investigation's no-build setback zone have been incorporated, as necessary.</p> <p>The Project shall adhere to the construction recommendations provided in the Geotechnical Investigation (CHJ Consultants, 2014), as described below. The City shall verify compliance during the permitting process.</p> <p>Initial Site Preparation: All areas to be graded shall be stripped of significant vegetation and other deleterious materials. These materials should be removed from the site for disposal.</p> <p>Minimum Mandatory Removal and Recompaction of Existing Soils: All areas to be graded shall have at least the upper 24 inches of existing materials removed. The open excavation bottoms thus created shall be observed by the Project engineering geologist to verify and document that suitable, non-compressible native sediments are exposed prior to moisture conditioning, compaction and refilling with properly tested and documented compacted fill. Deeper removals may be necessary, depending on the conditions encountered, as well as proposed footing depths and pad elevations. Cavities created by removal of subsurface obstructions, such as structures and tree root stocks, shall be thoroughly cleaned of loose soil, organic matter and other deleterious materials, and shaped to provide access for construction equipment and backfilled as recommended for site fill.</p> <p>Preparation of Fill Areas: Prior to placing fill and after the subexcavation bottom has been observed and approved by the Project engineering geologist, the surfaces of all areas to receive fill shall be moisture conditioned to a depth of</p>	Project Applicant/ Contractor	During Construction	Building and Safety Department	During Construction			

Mitigation Number	Mitigation Measure	Implementation	Implementation	Monitoring	Monitoring	Verification of Compliance		
		Responsibility	Timing	Responsibility	Timing	Initials	Date	Remarks
	<p>approximately 12 inches. The moisture conditioned soils shall be brought to near optimum moisture content and compacted to a relative compaction of at least 90 percent in accordance with ASTM D1557. It is anticipated that scarification of the underlying soils may result in dislodging oversized material, requiring additional handling. As such, a suitable alternative to the scarification of the underlying soils would be to moisture condition the soils, allowing sufficient time for the moisture to penetrate to a depth of 12 inches or more prior to compaction. Verification of the moisture penetration depth shall be required if this alternative method is utilized.</p> <p>Oversized Material:</p> <p>It is anticipated that quantities of oversized material (boulders larger than 12 inches in greatest dimension) requiring special handling for disposal may be encountered during the grading operation. While site-specific recommendations may be developed during grading plan preparation or in the field during construction, the following general methods for disposing of oversized rock onsite are recommended:</p> <ul style="list-style-type: none"> • Rocks between approximately 12 and 24 inches in size may be placed in areas of fill at a depth greater than approximately 10 feet below finish grade with the approval of the building official. • The oversized rock should be placed in windrows and adequately spaced to prevent nesting. Then, sandy matrix material should be flooded in between the rock to fill any void spaces. Continuous observation of the rock placement and flooding operation shall be conducted by the geotechnical engineer. • If rock disposal areas are considered necessary, oversized rock can be disposed of within designated areas that should be indicated on the grading plans. Rock disposal areas shall be evaluated by the geotechnical engineer for suitability. 							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
	<ul style="list-style-type: none"> • Oversized rock can also be crushed and exported off site or used in landscaping. Use of the oversized rock and appropriate maximum size of the oversized rock shall be referred to the landscape architect. <p>Preparation of Footing Areas: All footings shall rest upon at least 24 inches of properly compacted fill material. In areas where the required thickness of compacted fill is not accomplished by the mandatory subexcavation operation and by site rough grading, the footing areas shall be subexcavated to a depth of at least 24 inches below the proposed footing base grade. The subexcavation shall extend horizontally beyond the footing lines a minimum distance of 5 feet where possible. The bottoms of these excavations shall then be moisture conditioned to a depth of at least 12 inches, brought to near optimum moisture content and recompacted to at least 90 percent relative compaction in accordance with ASTM D1557 prior to refilling the excavation to grade as properly compacted fill.</p> <p>Compacted Fills: The onsite soil shall provide adequate quality fill material, provided it is free from roots, other organic matter, deleterious and oversized materials. Unless approved by the geotechnical engineer, rock or similar irreducible material with a maximum dimension greater than 12 inches shall not be buried or placed in fills except as noted in the above "Oversized Material" recommendations. Import fill shall be inorganic, non-expansive granular soils free from rocks or lumps greater than 6 inches in maximum dimension. The contractor shall notify the geotechnical engineer of import sources sufficiently ahead of their use so that the sources can be observed and approved as to the physical characteristic of the import material. For all import material, the contractor shall also submit current verified reports from a recognized analytical laboratory indicating that the import has a "not applicable" (Class S0) potential for</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
	<p>sulfate attack based upon current (ACI) criteria and is not corrosive to ferrous metal and copper. In addition, a report shall be submitted addressing environmental aspects of any proposed import material. The reports shall be accompanied by a written statement from the contractor that the laboratory test results are representative of all import material that will be brought to the job. If imported fill is to be utilized in structural areas, it shall meet the same strength requirement that was utilized to design the structure.</p> <p>Fill material shall be spread in near-horizontal layers, approximately 12 inches in thickness. Thicker lifts may be approved by the geotechnical engineer if testing indicates that the grading procedures are adequate to achieve the required compaction. Each lift shall be spread evenly, thoroughly mixed during spreading to attain uniformity of the material and moisture in each layer, brought to near optimum moisture content, and compacted to a minimum relative compaction of 90 percent in accordance with ASTM D 1557.</p> <p>Based upon the estimated relative compaction of the native soils encountered during the Geotechnical Investigation conducted for the Project, and the relative compaction anticipated for compacted fill soils, a compaction shrinkage of approximately 0 to 5 percent is estimated. Therefore, 1.00 cubic yards to 1.05 cubic yards of in-place soil material would be necessary to yield 1 cubic yard of properly compacted fill material. In addition, subsidence of approximately 0.1 foot is anticipated. These values are exclusive of losses due to stripping, tree removal or the removal of other subsurface obstructions, if encountered, and may vary due to differing conditions within the Project boundaries and the limitations of the Geotechnical Investigation. Shrinkage due to oversize material losses are estimated at 5 percent for material over 12 inches in diameter and less than 1 percent for material over 24 inches in diameter. These values are estimates only and final</p>							

Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance	
		Responsibility	Timing	Responsibility	Timing	Initials	Date
	<p>grades shall be adjusted, and/or contingency plans to import or export material shall be made to accommodate possible variations in actual quantities during site grading.</p> <p>Expansive Soils: Since all soil materials encountered during the Geotechnical Investigation were granular and considered to be non- critically expansive, specialized construction procedures to specifically resist expansive soil forces are not anticipated at this time. Additional evaluation of soils for expansion potential shall be conducted by the Project geotechnical engineer during the grading operation.</p> <p>Foundation Design: If the Project site is prepared as recommended, the proposed structures may be safely founded on conventional spread foundations, either individual spread footings and/or continuous wall footings with slabs-on-grade, bearing on a minimum of 24 inches of compacted fill. Footings shall be a minimum of 12 inches wide and be established at a minimum depth of 12 inches below lowest adjacent final subgrade level. For the minimum width and depth, footings may be designed for a maximum safe soil bearing pressure of 2,500 pounds per square foot (psf) for dead plus live loads. This allowable bearing pressure may be increased by 400 psf for each additional foot of width and by 1,000 psf for each additional foot of depth, to a maximum safe soil bearing pressure of 5,000 psf for dead plus live loads. These bearing values may be increased by one-third for wind or seismic loading.</p> <p>For footings thus designed and constructed, a maximum settlement of less than 1 inch is anticipated. Differential settlement between similarly loaded adjacent footings is expected to be approximately one-half the total settlement.</p>						

	<p>Lateral Loading:</p> <p>Resistance to lateral loads shall be provided by passive earth pressure and base friction. For footings bearing against compacted fill, passive earth pressure may be considered to be developed at a rate of 420 psf per foot of depth. Base friction may be computed at 0.39 times the normal load. Base friction and passive earth pressure may be combined without reduction.</p> <p>For preliminary retaining wall or shoring design purposes, a lateral active earth pressure developed at a rate of 40 psf per foot of depth shall be utilized for unrestrained conditions. For restrained conditions, an at-rest earth pressure of 65 psf per foot of depth shall be utilized. The "at-rest" condition applies toward braced walls which are not free to tilt. The "active" condition applies toward unrestrained cantilevered walls where wall movement is anticipated. The structural designer shall use judgment in determining the wall fixity and may utilize values interpolated between the "at-rest" and "active" conditions where appropriate. These values are applicable only to level, properly drained backfill with no additional surcharge loadings and do not include a factor of safety other than conservative modeling of the soil strength parameters. If inclined backfills are proposed, the Project geotechnical engineer shall be contacted to develop appropriate active earth pressure parameters. If import material is to be utilized for backfill, the Project geotechnical engineer shall verify the backfill has equivalent or superior strength values.</p> <p>These values shall be verified prior to Project construction when the backfill materials and conditions have been determined and are applicable only to properly drained backfills with no additional surcharge loadings. Toe bearing pressure for walls on soils not bearing against compacted fill, as recommended earlier under "Preparation of Footing Areas", shall not exceed CBC values.</p> <p>Backfill behind retaining walls shall consist of a soil of sufficient granularity that the backfill will properly drain. The granular soil shall be classified per the USCS as SW, SP, SW-SM, SP-SM, GW or GP and shall meet the</p>						
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Mitigation Number	Mitigation Measure	Implementation		Monitoring		Verification of Compliance	
		Responsibility	Timing	Responsibility	Timing	Initials	Date
	<p>requirements of section 300-3.5.1 of the "Greenbook". Surface drainage shall be provided to prevent ponding of water behind walls. A drainage system shall be installed behind all retaining walls consisting of either of the following:</p> <ul style="list-style-type: none"> • A 4-inch-diameter, perforated PVC (Schedule 40) pipe or equivalent at the base of the stem encased in 2 cubic feet of granular drain material per lineal foot of pipe; or • Synthetic drains such as Enkadrain, Miradrain, Hydraway 300 or equivalent. <p>Perforations in the PVC pipe shall be 3/8 inch in diameter. Granular drain material shall be wrapped with filter cloth to prevent clogging of the drains with fines. The wall shall be waterproofed to prevent nuisance seepage and include an approved drain.</p> <p>Suitable quantities of onsite soil shall be available for retaining wall backfill after screening the material to remove cobbles and boulders greater than 4 inches in diameter. Foundation concrete shall be placed in neat excavations with vertical sides, or the concrete shall be formed and the excavations properly backfilled as recommended for site fill.</p> <p>Trench Excavation: Native materials are classified as a Type "C" soil in accordance with the CAL/OSHA (2013) excavation standards. All trench excavation shall be performed in accordance with CAL/OSHA excavation standards. Temporary excavations in native material shall not be inclined steeper than 1-1/2 (h):1(v) for a maximum trench depth of 20 feet. For trench excavations deeper than 20 feet, the Project geotechnical engineer shall be consulted.</p> <p>Pipe Bedding and Backfills: Pipe Bedding Pipe bedding material shall meet and be placed according to the "Greenbook" or other project specifications, and</p>						

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance Initials	Verification of Compliance Date	Remarks
	<p>shall be uniform, free-draining granular material with a sand equivalent (SE) of at least 30. Sand equivalent testing of onsite material indicates an SE value of less than 30 for near-surface soils. Suitable material from deeper soils may be available after screening.</p> <p>Backfill</p> <p>Backfill shall be compacted following the recommendations in the "Compacted Fills" discussed above. Soils required to be compacted to at least 95 percent relative compaction, such as street subgrade and finish grade, shall be moisture treated to near optimum moisture content not exceeding 2 percent above optimum. To avoid pumping, backfill material shall be mixed and moisture treated outside of the excavation prior to lift placement in the trench. A lean sand/cement slurry shall be considered to fill any cavities, such as void areas created by caving or undermining of soils beneath existing improvements or pavement to remain, or any other areas that would be difficult to properly backfill, if encountered.</p> <p>Slabs-On-Grade:</p> <p>To provide adequate support, concrete slabs-on-grade shall bear on a minimum of 24 inches of compacted soil and be a minimum of 4 inches in thickness. The soil shall be compacted to 90 percent relative compaction. The final pad surfaces shall be rolled to provide smooth, dense surfaces.</p> <p>Slabs to receive moisture-sensitive coverings shall be provided with a moisture vapor retarder. It is recommended that a vapor retarder be designed and constructed according to the American Concrete Institute (ACI) 302.1R, "Guide for Concrete Floor and Slab Construction", which addresses moisture vapor retarder construction. At a minimum, the vapor retarder shall comply with ASTM E1745 and have a nominal thickness of at least 10 mils. The vapor retarder shall be properly sealed per the manufacturer's recommendations and protected from punctures and other damage. One inch of</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility		Implementation Timing		Monitoring Responsibility		Monitoring Timing		Verification of Compliance																					
										Initials	Date	Remarks																			
	<p>sand under the vapor retarder may assist in reducing punctures.</p> <p>Concrete building slabs subjected to heavy loads, such as materials storage and/or forklift traffic, shall be designed by a registered civil engineer competent in concrete design. A modulus of vertical subgrade reaction of 250 pounds per cubic inch can be utilized in the design of slabs-on-grade for the proposed project.</p> <p>Preliminary Flexible Pavement Design:</p> <p>The following recommended structural sections were calculated based on traffic indices (TIs) provided in the Caltrans "Highway Design Manual for Safety Roadside Rest Areas" (Caltrans, 2012). Based upon preliminary sampling and testing, the structural sections tabulated below will provide satisfactory HMA pavement. The R-value of the most representative material was used in the analysis. As per the Caltrans Highway Design Manual, Section 614.3, a design subgrade maximum R-value of 50 for the soil was utilized in performing the pavement section calculations.</p> <table border="1"> <thead> <tr> <th>Usage</th> <th>TI</th> <th>R-Value</th> <th>Recommended Structural Section</th> </tr> </thead> <tbody> <tr> <td>Auto Parking Areas</td> <td>5.0</td> <td>50</td> <td>0.25' HMA/0.35' Class 2 AB</td> </tr> <tr> <td>Auto Road</td> <td>5.5</td> <td>50</td> <td>0.25' HMA/0.35' Class 2 AB</td> </tr> <tr> <td>Truck Parking Areas</td> <td>6.0</td> <td>50</td> <td>0.30' HMA/0.35' Class 2 AB</td> </tr> <tr> <td>Truck Lanes and Roads</td> <td>8.0</td> <td>50</td> <td>0.40' HMA/0.45' Class 2 AB</td> </tr> </tbody> </table> <p>AB = Aggregate Base</p> <p>The above structural sections are predicated upon proper compaction of the utility trench backfills and the subgrade soils, with the upper 12 inches of subgrade soils</p>	Usage	TI	R-Value	Recommended Structural Section	Auto Parking Areas	5.0	50	0.25' HMA/0.35' Class 2 AB	Auto Road	5.5	50	0.25' HMA/0.35' Class 2 AB	Truck Parking Areas	6.0	50	0.30' HMA/0.35' Class 2 AB	Truck Lanes and Roads	8.0	50	0.40' HMA/0.45' Class 2 AB										
Usage	TI	R-Value	Recommended Structural Section																												
Auto Parking Areas	5.0	50	0.25' HMA/0.35' Class 2 AB																												
Auto Road	5.5	50	0.25' HMA/0.35' Class 2 AB																												
Truck Parking Areas	6.0	50	0.30' HMA/0.35' Class 2 AB																												
Truck Lanes and Roads	8.0	50	0.40' HMA/0.45' Class 2 AB																												

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						Initials	Date										
	<p>and all aggregate base (AB) material brought to a minimum relative compaction of 95 percent in accordance with ASTM D1557 prior to paving. The AB shall meet Caltrans requirements for Class 2 base. The above pavement design recommendations are based upon the results of preliminary sampling and testing, and shall be verified by additional sampling and testing during construction when the actual subgrade soils are exposed.</p> <p>Preliminary Rigid Pavement Design: Based upon an R-value of 65, a modulus of subgrade reaction of approximately 200 pounds per square inch per inch (k) was utilized. The following PCC pavement designs are recommended, and are based upon the American Concrete Institute (ACI) Guide for Design and Construction of Concrete Parking Lots (ACI 330R-08).</p> <table border="1"> <thead> <tr> <th>Design Area</th> <th>Recommended Section</th> </tr> </thead> <tbody> <tr> <td>Car Parking and Access Lanes Average Daily Truck Traffic = 1 (Category A)</td> <td>4.0" PCC/ Compacted Soil</td> </tr> <tr> <td>Truck Parking and Interior Lane Areas Average Daily Truck Traffic = 25 (Category B)</td> <td>5.5" PCC/ Compacted Soil</td> </tr> <tr> <td>Truck Interior and Exterior Lanes Average Daily Truck Traffic = 300 (Category C)</td> <td>6.5" PCC/ Compacted Soil</td> </tr> <tr> <td>Truck Interior and Exterior Lanes Average Daily Truck Traffic = 700 (Category D)</td> <td>7.0" PCC/ Compacted Soil</td> </tr> </tbody> </table> <p>The above recommended concrete sections are based on a design life of 20 years, with integral curbs or thickened edges. In addition, the above structural sections are predicated upon proper compaction of the utility trench backfills and the subgrade soils, with the upper 12 inches</p>	Design Area	Recommended Section	Car Parking and Access Lanes Average Daily Truck Traffic = 1 (Category A)	4.0" PCC/ Compacted Soil	Truck Parking and Interior Lane Areas Average Daily Truck Traffic = 25 (Category B)	5.5" PCC/ Compacted Soil	Truck Interior and Exterior Lanes Average Daily Truck Traffic = 300 (Category C)	6.5" PCC/ Compacted Soil	Truck Interior and Exterior Lanes Average Daily Truck Traffic = 700 (Category D)	7.0" PCC/ Compacted Soil						
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	<p>of subgrade soils brought to a uniform relative compaction of 95 percent (ASTM D1557). Slab edges that would be subject to vehicle loading shall be thickened at least 2 inches at the outside edge and tapered to 36 inches back from the edge. Typical details are given in the ACI "Guide for Design and Construction of Concrete Parking Lots" (ACI 330R-08). Alternatively, slab edges subject to vehicle loading shall be designed with dowels or other load transfer mechanism. Thickened edges or dowels are not necessary where new pavement will abut areas of curb and gutter, buildings, or other structures preventing through-vehicle traffic and associated traffic loads.</p> <p>The concrete sections may be placed directly over a compacted subgrade prepared as described above. The concrete to be utilized for the concrete pavement shall have a minimum modulus of rupture of 550 pounds per square inch. Contraction joints shall be sawcut in the pavement at maximum spacing of 30 times the thickness of the slab, up to a maximum of 15 feet. Sawcutting in the pavement shall be performed within 12 hours of concrete placement (or preferably sooner) and sawcut depths shall be equal to approximately one-quarter of the slab thickness for conventional saws or 1 inch when early-entry saws are utilized on slabs 9 inches thick or less. The use of plastic strips for formation of jointing is not recommended. The use of expansion joints is not recommended, except where the pavement would adjoin structures. Construction joints shall be constructed such that adjacent sections butt directly against each other and are keyed into each other or the joints are properly doweled with smooth dowels. Distributed steel reinforcement (welded wire fabric) is not necessary, nor would any decrease in section thickness result from its inclusion.</p> <p>These pavement design recommendations are based upon the results of preliminary sampling and testing, and</p>							

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GEO-4	shall be verified by additional sampling and testing during construction when the actual subgrade soils are exposed. The potential for erosion shall be mitigated by proper drainage design. Water shall not be allowed to flow over graded areas or natural areas so as to cause erosion. Graded areas shall be planted or otherwise protected from erosion by wind or water.	Project Applicant/ Contractor	During Construction	Public Works Department	During Construction			
GEO-5	Monitoring. Any excavations in the finer-grained sedimentary deposits on the Project Area shall be monitored closely by a qualified paleontologist, defined as a paleontologist who meets the Secretary of the Interior's Professional Qualification Standards for paleontology, to quickly and professionally recover any fossil remains while not impeding development.	Qualified Paleontologist	During Excavations in the Finer-Grained Sedimentary Deposits	Public Works Department	During Excavations in the Finer-Grained Sedimentary Deposits			
GEO-6	Prior to any excavation in the finer-grained sedimentary deposits on the Project Area, sediment samples shall be collected by a qualified paleontologist, defined as a paleontologist who meets the Secretary of the Interior's Professional Qualification Standards for paleontology, from the finer-grained deposits on the Project Area and processed to determine their fossil potential. If subsurface fossils are discovered during earth-moving activities associated with the Proposed Project, a qualified paleontologist or qualified designee shall divert these activities temporarily around the fossil site until the remains have been recovered, a rock sample has then been collected to process to allow for the recovery of smaller fossil remains, if warranted, and construction has been allowed to proceed through the site by a qualified paleontologist or qualified designee. If a qualified paleontologist or qualified designee is not present when fossil remains are uncovered by earth-moving activities, these activities shall be stopped, and a qualified paleontologist or qualified designee shall be called to the site immediately to recover the remains. Any fossils collected shall be placed in an accredited scientific	Qualified Paleontologist	Prior to Excavations in the Finer-Grained Sedimentary Deposits/ During Construction	Public Works Department	Prior to Excavations in the Finer-Grained Sedimentary Deposits/ During Construction			

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	institution for the benefit of current and future generations.							
Greenhouse Gas Emissions								
GHG-1	<p>Prior to issuance of a Certificate of Occupancy, the tenant shall submit an Operations Plan to the City of Fontana Community Development Director detailing the following GHG reduction measures/programs that shall be applied during Project operations:</p> <ul style="list-style-type: none"> Ride-Sharing Programs. The tenant shall administer a ride-sharing program to reduce daily vehicle trips and vehicle miles traveled (VMT) and provide information to employees on ride share programs to reduce mobile GHG emissions. The tenant shall promote ride-sharing programs through a multi-faceted approach such as: <ul style="list-style-type: none"> Designating a certain percentage of parking spaces for ride-sharing vehicles; Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles; and Providing a web site or message board for coordinating rides. Public Transit Incentive Program. The tenant shall provide subsidized/discounted daily or monthly public transit passes for employees to reduce daily vehicle trips and VMT. The tenant may also provide free transfers between all shuttles and transit to participants. Preferential Parking Permit Program. The tenant shall provide preferential parking in convenient locations (such as near public transportation or building front doors) in terms of free or reduced parking fees, priority parking, or reserved parking for commuters who carpool, vanpool, ride-share or use alternatively fueled vehicles. The Project shall 	Project Tenants	Prior to Certificate of Occupancy Issuance	Community Development Director	Prior to Certificate of Occupancy Issuance			

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	provide wide parking spaces to accommodate vanpool vehicles.							
Hazards and Hazardous Materials								
HAZ-1	Prior to any renovation or demolition or building permit approval, an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) 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 (SCAQMD) Rule 1403 prior to any activities that would disturb ACMs or create an airborne asbestos hazard.	Project Applicant	Prior to any Renovation or 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 Regulation Title 8, Section 1532.1, which specifies 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.	Contractor	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. <u>The TMP shall be submitted for review and approval by the County of San Bernardino Traffic Division if any County-maintained roads are proposed for</u>	Project Applicant	Prior Grading and/or Demolition Permits Issuance/ During Construction	City Engineer/ County of San Bernardino Traffic Division	Prior Grading and/or Demolition Permits Issuance/			

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	<p><u>construction traffic</u>. The TMP shall, at a minimum, address the following:</p> <ul style="list-style-type: none"> • 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. • 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 				During Construction			

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	<p>Management Plan shall be submitted to the California Department of Transportation (Caltrans) for review and comment.</p> <ul style="list-style-type: none"> 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, <u>and County of San Bernardino Traffic Division, as applicable,</u> if needed to improve safety and/or efficiency. 							

