

Sierra Avenue and Casa Grande Avenue Warehouse Project

Final Environmental Impact Report

State Clearinghouse No. 2019070040

Lead Agency:

City of Fontana
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Fontana, CA 92335

Prepared By:

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October 2020

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Section 1.0 Introduction

1.1 INTRODUCTION

The Final Environmental Impact Report (Final EIR) for the Sierra Avenue and Casa Grande Avenue Warehouse Project has been prepared in accordance with the California Environmental Quality Act (CEQA), and CEQA Guidelines. CEQA Guidelines Section 15132 indicates that the contents of a Final EIR shall consist of:

- (a) Environmental Impact Reports shall contain the information outlined in this article, but the format of the document may be varied. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.
- (b) The EIR may be prepared as a separate document, as part of a general plan, or as part of a project report. If prepared as a part of the project report, it must still contain one separate and distinguishable section providing either analysis of all the subjects required in an EIR or, as a minimum, a table showing where each of the subjects is discussed. When the Lead Agency is a state agency, the EIR shall be included as part of the regular project report if such a report is used in the agency's existing review and budgetary process.
- (c) Draft EIRs shall contain the information required by Sections 15122 through 15131. Final EIRs shall contain the same information and the subjects described in Section 15132.
- (d) No document prepared pursuant to this article that is available for public examination shall include a "trade secret" as defined in Section 6254.7 of the Government Code, information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions of Section 6254 of the Government Code.

The Final EIR includes all of these required components.

In accordance with § 15088 of the State CEQA Guidelines, the City of Fontana, as the lead agency for the proposed Project, evaluated comments received on the Draft EIR (State Clearinghouse No. 2019070040) and has prepared responses to the comments received. The preceding Table of Contents provides of a list of all persons, organizations, and public agencies commenting on the Draft EIR. Section 2.0 includes the Responses to Comments received by the City of Fontana on the Draft EIR. It should be noted that responses to comments also resulted in various editorial clarifications and corrections to the original Draft EIR text. Added or modified text is shown in Section 3.0, Errata, by underlining (example) while deleted text is shown by striking (~~example~~). The additional information, corrections, and clarifications are not considered to substantively affect the conclusions within the EIR. This Response to Comments document is part of the Final EIR, which includes the EIR pursuant to § 15132 of the State CEQA Guidelines.

After review and discussion by City staff and the City Planning Commission, responses to comments will be sent to commenting agencies and individuals. This satisfies the requirement of Section 21092.5 of CEQA to send responses to the public agency comments received on the Draft EIR at least 10 days prior

to Project approval. This document includes responses to all written and verbal comments received on the Draft EIR.

1.2 ORGANIZATION OF EIR

This Final EIR provides the requisite information required under CEQA and is organized as follows:

- **Section 1.0 Introduction.** This section provides an introduction to the Final EIR, including the requirements under CEQA, the organization of the document, as well as brief summary of the CEQA process activities to date.
- **Section 2.0 Comments and Responses.** This section provides a list of public agencies, organizations, and individuals commenting on the Draft EIR, provides a copy of each written comment received, and any response required under CEQA.
- **Section 3.0 Errata to the Draft EIR.** This section details changes to the Draft EIR.

1.3 CEQA PROCESS SUMMARY

The Draft Environmental Impact Report (Draft EIR) is an informational document intended to inform the public and decision-makers about the environmental consequences of the proposed Sierra Avenue at Casa Grande Avenue Warehouse Project (proposed Project). The proposed Project involves the development of a 322,996 square foot (sf) warehouse at the northeastern corner of Sierra Avenue and Casa Grande Avenue in the City. The warehouse would be built within three connected parcels Assessor Parcel Numbers (APNs): 0239-151-22 and 0239-151-34, and 0239-151-40. The warehouse component would include applications for a General Plan Amendment (GPA) No. 18-006, a Zone Change (ZC) No. 18-006, and a Zoning Text Amendment (ZCA) No 18-007. The GPA proposed the conversion of one parcel (APN 0239-151-22) from Multi-Family High-Density Residential Zone (R-MFH) to Light Industrial (I-L) and two parcels (APNs: 0239-151-34 and 40) from Medium-Density Residential (R-M) to Light Industrial (I-L). The warehouse component proposes to rezone all three parcels to Light Industrial (M-1).

The proposed Project also includes two residential unit replacement sites (RUR's) that also are referred to as the Malaga site and Palmetto sites in the Draft Environmental Impact Report (Draft EIR). The RUR sites are required because of the recent adoption of the Housing Crisis Act (HCA) of 2019 and provisions in Senate Bill (SB) 330. In summary, the HCA of 2019 and SB 330 requires replacement housing sites when land designated for housing development is changed to a non-housing use. This is applicable to the proposed Project because the proposed warehouse development would change the residential zoning classification to an industrial classification. Due to these land uses changes the warehouse site would not be used for the development of up to 219 residential units and replacement sites must be proposed. Accordingly, and in conformance with these new laws, the City has identified two replacement sites. This includes a 5.69-acre site located north of Malaga Street and west of Mango Street (Malaga Site), and a 3.58-acre site located east of Palmetto Avenue and south of Arrow Boulevard (Palmetto Site). A complete description of the proposed Project is provided in **Chapter 3.0, Project Description** of the Draft EIR.

Additionally, SB 330, which provides that the City shall not “chang[e] the general plan land use designation, specific plan land use designation, or zoning...to a less intensive use... below what was

allowed under the land use designation and zoning ordinances in effect on January 1, 2018". However, the Act includes an exception, and general plan and zoning designation changes to a "less intensive use" are permitted so long as the City concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction, such that there is no net loss in residential capacity. (Govt. Code §66300(i).)

The Draft EIR serves as both a "Project EIR" as defined in Section 15161 of the CEQA Guidelines related to the construction and operation of the Warehouse site and a "Program EIR" as defined in Section 15168 of the CEQA Guidelines related to the rezoning of the Malaga and Palmetto sites. The Draft EIR considers the environmental impacts of the proposed Project, including all three sites to the level of detail possible, as well as the additive effects of growth throughout the City of Fontana (City), neighboring areas of the City of Rialto, and the region. These latter impacts are referred to as cumulative impacts. The Draft EIR also evaluates a range of potential feasible alternatives anticipated to reduce significant impacts of the Project, including different development densities for the Warehouse site, a different warehouse configuration, and different uses of the Warehouse site. The Draft EIR has been prepared for the City, pursuant to the requirements of the California Environmental Quality Act (CEQA).

Pursuant to CEQA Guidelines § 15082, the City circulated a Notice of Preparation (NOP) advising public agencies, special districts, and members of the public who had requested such notice that an EIR for the proposed Project was being prepared. The initial NOP was distributed on July 5, 2019 to solicit comments related to the proposed construction of the warehouse. This project did not include either the Malaga or Palmetto sites at that time.

Subsequent to the initial circulation of the first NOP, the proposed Project was amended to include the Malaga and Palmetto sites in response to the passage of SB 330 and thus the need for replacement housing sites to be added to the Project. To account for this need, the proposed Project was amended and the Malaga and Palmetto sites were added. As required, the amended NOP included an updated project description and a list of the environmental issues to be examined in the EIR. The revised NOP was circulated from February 24, 2020 with a 30-day public review period ending on March 25, 2020. This process and the comments submitted in response to the NOP and revised NOP is discussed in **Chapter 2.0, Introduction**, and Section 1.05 Areas of Controversy, of the Draft EIR.

After receiving public comments on the NOP and revised NOP, the proposed Project was analyzed for its potential to result in environmental impacts. Impacts were evaluated in accordance with the significance criteria developed by the City that are based on criteria presented in Appendix G, "Environmental Checklist Form," of the CEQA Guidelines. The criteria in the Environmental Checklist (checklist), was used to determine if the proposed Project would result in, "no impact," "less than significant impact," "less than significant impact with mitigation measures," or potentially significant impact" to a particular environmental resource. In some instances, a project may use the checklist to provide an initial discussion of a project and to screen out certain topics from a full discussion in the Draft EIR. In the case of the proposed Project this was not done for Mineral Resources and Agricultural Resources due to these resources and feasibility for use associated with the Warehouse site and Malaga site and Palmetto site.

The Draft EIR describes the existing environmental resources on the Warehouse, Malaga, and Palmetto sites and in the vicinity of the Project sites, analyzes potential impacts on those resources that would or could occur upon initiation of the proposed Project, and identifies mitigation measures that could avoid or reduce the magnitude of those impacts determined to be significant. The environmental impacts evaluated in the Draft EIR concern several subject areas, including aesthetics/light and glare, air quality, biological resources, cultural and tribal resources, energy/energy conservation, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire. As noted in the preceding paragraph, public comment was received during the NOP process and included written letters provided to the City during public meetings. A copy of the letters with the NOP and a copy of the letters with the revised NOP is provided in Appendix A to the Draft EIR. The comments were used, as intended, to help inform the discussion of the Draft EIR and help determine the scope and framework of certain topical discussions.

When the Draft EIR was completed, it was circulated for public review pursuant to CEQA Guidelines § 15087. The 45-day public review for the Draft Environmental Impact Report began on June 26, 2020 and ended on August 10, 2020. All comment letters received during the 45-day public review period previously mentioned are included in this Final EIR. Additionally, a public meeting with the Fontana Planning Commission was held for the proposed Project on July 21, 2020 at 6:00 p.m. No additional public comments were received during the Planning Commission Hearing.

As set forth in more detail in the Responses to Comments and Errata, none of the clarifications or amplifications set forth herein change the significance conclusions presented in the Draft EIR or substantially alters the analysis presented for public review. Furthermore, the Draft EIR circulated for public review was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the clarifications provided in the Responses to Comments and Errata do not constitute significant new information that might trigger recirculation.

1.4 CHANGES TO THE DRAFT EIR

Section 3.0, Errata to the Draft EIR details the changes to the Draft EIR. Most of the changes to the Draft EIR represent clarifications to the existing content. Added or modified text is shown in Section 3.0, Errata, by underlining (example) while deleted text is shown by striking (~~example~~).

Section 2.0 Comments and Responses to Draft EIR

2.1 INTRODUCTION TO COMMENTS AND RESPONSES

Table 2.0-1 below provides a list of those parties that provided written comments on the Draft EIR during the public review period. In addition, one comment letter was received after the close of the public review period. Each comment document has been assigned a letter as indicated in the table.

A copy of the written comments are provided in this section, and have been annotated with the assigned letter along with a number for each comment. Each comment document is followed by a written response which corresponds to the comments provided.

Table 2.0-1: Comments from Public Agencies, Organizations and Individuals

Letter	Date Received	Organization/Name
Agencies		
A1	August 3, 2020	California Department of Fish and Wildlife
A2	August 10, 2020	State of California, Department of Justice, Attorney General
A3	August 10, 2020	Metropolitan Water District of Southern California
A4	August 10, 2020	San Bernardino County Department of Public Works
Organizations		
O1	July 28, 2020	Lozeau Drury, LLP c/o SAFER (Supporters' Alliance for Environmental Responsibility)
O2	July 31, 2020	Golden State Environmental Justice Alliance
Public/Individuals		
P1	July 9, 2020	Rami Asad
P2	July 14, 2020	Ben Medina
P3	July 14, 2020	Diana Cevallos-rodriquez
P4	July 14, 2020	Heba Darjbara
P5	July 21, 2020	Jeanie
P6	August 9, 2020	Robert Constant – Fontana Stakeholder

Comment Letter A1 - California Department of Fish and Wildlife

Comment Letter A1



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 3, 2020
Sent via email

Cecily Session-Goins
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
CSGoins@fontana.org

Subject: Draft Environmental Impact Report
Sierra Avenue and Casa Grande Avenue Warehouse Project
State Clearinghouse No. 2019070040

Dear Ms. Session-Goins:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Fontana (City) for the Sierra Avenue and Casa Grande Avenue Warehouse Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.



¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

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PROJECT DESCRIPTION SUMMARY

The Project proposes the development of a 322,996 square foot (sf) distribution warehouse building on approximately 16.09-acres (referred to as 'Warehouse Site') on the northeast corner of Sierra Avenue and Casa Grande Avenue (Assessor Parcel Numbers: 0239-151-22; 0239-151-34; and 0239-151-40). The Project also includes changes to the existing zoning designations for two residential unit replacement sites: the Malaga Site - a 5.69 acre parcel located north of Malaga Street and west of Mango Street and the Palmetto Site - a 3.58-acre parcel located east of Palmetto Avenue and south of Arrow Boulevard. The Malaga Site and Palmetto Site will be "upzoned" to offset the loss of residential units/residential zoning at the proposed Warehouse Site, in compliance with the Housing Crisis Act of 2019 and provisions in Senate Bill 330. Only the Warehouse Site is proposed to undergo any construction and future CEQA analysis for the Malaga and Palmetto Sites would be needed prior to any approval of development on those sites.

3

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is concerned about the adequacy of the mitigation measures proposed in the DEIR to avoid potentially significant impacts, including cumulative impacts, and the ability of the City to mitigate significant impacts to declining natural vegetation communities and species of special concern within North Fontana. CDFW comments and recommendations are presented below.

4

Assessment of Impacts to Biological Resources

Vegetation Communities

The DEIR identified that "*Habitat on Warehouse site consists of coastal sage scrub and chamise chaparral mixed with dense non-native grasses and native annuals and perennials. Some of the native vegetative species on-site include California buckwheat (Eriogonum fasciculatum), chamise (Adenostoma fasciculatum), deerweed (Lotus scoparius), Lupinus bicolor, Phacelia distans, Heterotheca grandiflora, Cryptantha*

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intermedia, *Camissoniopsis bistorta*, and *Amsinckia menziesii*.” (DEIR, pg. 4.3-2). Based on this, the DEIR concluded that no sensitive natural communities exist within the Warehouse site. CDFW is concerned that the DEIR did not use standard vegetation classifications to identify potential sensitive natural communities and questions the accuracy of the DEIR’s conclusion that no sensitive natural communities exist onsite.

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Natural Community elements were at first classified according to “Preliminary Descriptions of the Terrestrial Natural Communities of California” (Holland 1986). Since the mid-1990s CDFW and our partners, including the California Native Plant Society (CNPS), have been classifying vegetation types using the state standards embodied in the Survey of California Vegetation. The state standards for classification in California was first published as the Manual of California Vegetation in 1995, updated in the second edition of the Manual (Sawyer et al. 2009), and is now most easily accessed in the [Manual of California Vegetation Online](#). With this standardized process, Natural Communities are evaluated using NatureServe’s Heritage Methodology. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents.

6

There are several vegetation associations in both the *Eriogonum fasciculatum* and *Adenostoma fasciculatum* Alliances that are recognized as Sensitive Natural Communities. Because the DEIR did not use a standardized approach to classifying Natural Communities, nor did it provide any discussion on its methods for identifying potential Sensitive Natural Communities, CDFW believes the DEIR did not provide an adequate analysis to support the finding of ‘no impact’. CDFW recommends the City classify the Natural Communities onsite, preferably using the Manual of California Vegetation or other widely accepted methodology, identify any Sensitive Natural Communities on the Project site, and formulate appropriate mitigation measures to offset the loss of any Sensitive Natural Communities prior to certifying the DEIR.

Special Status Wildlife Species

The DEIR determined that habitat conditions at the Warehouse Site: 1) are potentially suitable for California gnatcatcher (*Poliophtila californica*; CAGN), a federally endangered a state sensitive species; 2) contains marginally suitable habitat with several documented occurrences to the north and south of the Project site for Los Angeles pocket mouse (*Perognathus longimembris*; LAPM), a state sensitive species; and (3) consists of approximately 15.21 acres of potentially suitable habitat with several documented occurrences in the immediate vicinity for San Bernardino kangaroo rat (*Dipodomys merriami parvus*; SBKR), a federally endangered and state candidate species. The DEIR concluded that potential impacts on all three species are considered significant and mitigation is required (DEIR, pg. 4.3-24 – 25).

7

The DEIR proposes offsetting project-related impacts to sensitive and special-status species and their habitat by (1) performing focused protocol surveys for CAGN, SBKR, and LAPM prior to construction (MM BIO 1 and 2); (2) if present, having a biological

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monitor be present on-site during vegetation clearing activities (MM BIO-3); and (3) satisfying habitat impacts through the North Fontana Conservation Program (NFCP) (MM BIO-4). CDFW is concerned that the DEIR lacks the necessary analysis to identify the significance of the Project's impacts on sensitive species. Without adequate analysis, the DEIR cannot identify appropriate mitigation to offset the impacts, nor make the claim that the mitigation identified would reduce the impacts to less than significant.

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Although a general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are, or have the potential to be, present was performed, focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, was not conducted. Courts have repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

9

CDFW is also concerned that the mitigation measures will be inadequate to mitigate the direct, indirect, and cumulative effects on sensitive species and that some measures are unclear and unenforceable. Mitigation Measure (MM) BIO-4 requires the Applicant provide "evidence habitat impacts have been mitigated pursuant to the City of Fontana's tiered mitigation program for the North Fontana Conservation Program (NFCP)." MM-BIO-4 continues, "The Project shall mitigate impacts to Suitable Habitat, Restorable Riversidean Alluvial Fan Sage Scrub (RAFSS) Habitat, and Unsuitable Habitat..." The DEIR does not define Suitable Habitat, Restorable Riversidean Alluvial Fan Sage Scrub (RAFSS) Habitat, and Unsuitable Habitat, nor how much of each of those categories of habitat exist on the Project site. Therefore, it is unclear what the DEIR is actually proposing to mitigate.

9

CDFW recommends the City complete protocol surveys to determine the presence and extent of occupation of the Project by special status wildlife species and formulate appropriate mitigation measures based on those findings prior to certifying the DEIR. However, if the City chooses to proceed without an appropriate impact assessment, CDFW recommends, at a minimum, MM-BIO-2 be updated to address CDFW's authority under CESA as it related to SBKR, as shown below.

10

MM-BIO-2: Prior to ground-disturbing activities, focused small mammal surveys shall be conducted by a qualified biologist on the Warehouse site. Surveys for San Bernardino Kangaroo Rat/Los Angeles Pocket Mouse (SBKR/LAPM) will follow United States Fish and Wildlife Service (USFWS) protocol for live mammal trapping by permitted biologists. Live trapping will be conducted over five (5) consecutive nights if no target species are captured. Trapping shall be terminated if a target species is trapped prior to the fifth night, **and the entire Project site shall be presumed occupied.** Trapping will be conducted under mild weather conditions, with a minimum temperature greater than 50°

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Fahrenheit and atmospheric conditions relatively dry, and calm. Trapping shall not be conducted in extended periods of wind, rain or fog that may jeopardize the lives of the target species. Following the survey, the biologist shall submit to **CDFW and USFWS** all a reports and associated information required by their USFWS federal Section 10(a) permit. If no SBKR/LAPM are identified during surveys, no further action would be required. If SBKR are identified during surveys, then, occupied portions of the site would not be able to be developed until the Project Applicant can demonstrate that the appropriate authorization has been obtained from the United States Fish and Wildlife Service and **California Department of Fish and Wildlife**. If LAPM are identified then, occupied portions of the site would not be able to be developed until the Project Applicant can demonstrate that the appropriate coordination with the California Department of Fish and Wildlife (CDFW) has been completed to determine the appropriate mitigation ratio under the CDFW jurisdiction.

10
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Finally, to address the lack of specificity and clarity in MM-BIO-4, CDFW recommends the measures be updated, as follows:

MM-BIO-4: Prior to the issuance of a grading permit, or any permit allowing ground disturbance, the Project Applicant shall provide to the satisfaction of the Planning Director, evidence **that Sensitive Natural Communities and special-status species, including their associated** habitat impacts, have been mitigated 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:~~

11

- 1.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.

Nesting Birds

DEIR Section 4.3.2 states that "The Warehouse site is suitable for use by raptors for foraging purposes. The Warehouse site and immediate surrounding areas do contain habitat suitable for nesting birds in general, including the shrubs." Although the DEIR offers MM-BIO-5 to address potential direct take of nests, CDFW offers the proposed revisions to increase the specificity of the measure:

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MM-BIO-5: ~~Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, r~~ Removal of any trees, shrubs, or any other potential nesting

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habitat shall be conducted outside the avian nesting season, **as verified by a qualified biological monitor**. 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 **qualified biological monitor-verified** nesting season, a preconstruction clearance survey for nesting birds shall be conducted within ~~30~~ **3** days of the start of any vegetation removal or ground-disturbing activities to ensure no nesting birds will be disturbed during construction. **The Project Applicant shall ensure that the qualified biological monitor is experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/ establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures. The Project Applicant shall ensure that the qualified biological monitor conducts the surveys at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall: encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures; take into consideration the size of the project site; density, and complexity of the habitat, number of survey participants, survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.** The qualified 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. If no active nests are found, no further action will be required.

If an active nest is discovered during the preconstruction clearance survey, construction activities 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. **The qualified biologist/biological monitor shall use his/her best professional judgement and experience to determine the efficacy of the buffer and make adjustments, as needed to avoid impacts.** Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur. ~~This protocol is in accordance with the Migratory Bird Treaty Act and CDFW Fish and Game Code standards.~~ **If a nest is observed, but thought to**

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be inactive, the qualified biologist shall use his/her best professional judgement to monitor the nest to determine if, or when, the nest can be approached to confirm its' status.

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cont'd

CALIFORNIA ENDANGERED SPECIES ACT

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources, including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. SBKR became a candidate species under CESA on August 21, 2019. As a candidate species, SBKR has full protection under CESA and take must be authorized. Incidental Take Permits (ITP) are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. CDFW recommends that a ITP be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed species, either through construction or over the life of the Project. Also, revisions to the California Fish and Game Code, effective January 1998, require that CDFW issue a separate CEQA document for the issuance of a CESA ITP unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

13

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

14

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

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Cecily Session-Goins, Assistant Planner
City of Fontana
August 3, 2020
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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR for the Sierra Avenue and Casa Grande Avenue Warehouse Project (SCH No. 2019070040). If you should have any questions pertaining to the comments provided in this letter, please contact Kim Romich at Kimberly.Romich@wildlife.ca.gov.

16

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Scott Wilson
Environmental Program Manager

ec: HCPB CEQA Coordinator
Habitat Conservation Planning Branch

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>

Responses to Comment Letter A1 - California Department of Fish and Wildlife

- A1.1** These comments are introductory in nature and do not need a response.
- A1.2** These comments provide an overview of the role and responsibility of CDFW.
- A1.3** This comment restates the project description contained in the DEIR.
- A1.4** Mitigation measures have been updated per the recommendations of CDFW. Please refer to Section 3.0 of this Final EIR.
- A1.5** The Biological Resources Assessment included a field study of the property that consisted of conducting a systematic and comprehensive survey that reviewed species composition, distribution, and dominance. Per current classifications, the habitat communities would be chamise chaparral (*Adenostoma fasciculatum* Alliance), with a Natural Community Rank of G5 S5 and California buckwheat scrub (*Eriogonum fasciculatum* Alliance) with a Natural Community Rank of G5 S5. Neither of these habitat communities are classified as sensitive.
- A1.6** The biologist that prepared the Biological Resources Assessment for the proposed Project has confirmed that the manuals used for the habitat vegetation classifications are consistent with the requirements as stated in this comment, which are: the Manual of California Vegetation in 1995, updated in the second edition of the Manual (Sawyer et al. 2009), and is now most easily accessed in the Manual of California Vegetation Online.
- A1.7** The City concurs with the commenter that potential impacts on all three species are considered significant and mitigation is required. As such, mitigation measures are identified throughout Chapter 4.3, *Biological Resources*, of the Draft EIR and further clarified in Section 3.0, *Errata*, of this Final EIR.
- A1.8** The Draft EIR identified significant impacts and proposed mitigation of a 1:1 ratio is foreseen as reasonable given the habitat quality is marginal for all of the species identified. Therefore, the mitigation proposed is adequate for CEQA purposes to reduce impacts to less than significant.
- A1.9** The Draft EIR identified that surveys would be completed at the appropriate time of year for these species and found that the mitigation measures imposed are adequate to reduce any impacts to a less than significant level. If the trustee agencies believe additional mitigation should be imposed beyond that which was found to be adequate to reduce any impacts to a less than significant level the Draft EIR, they can impose additional mitigation.
- A1.10** Mitigation Measure BIO-2 has been updated per the commenter's request. Refer to Section 3.0, *Errata*, of this document.
- A1.11** Mitigation Measure BIO-4 has been updated per the commenter's request. Refer to Section 3.0, *Errata*, of this document.
- A1.12** Mitigation Measure BIO-2 has been updated per the commenter's request. Refer to Section 3.0, *Errata*, of this document.

- A1.13** Mitigation Measure BIO-2 in Chapter 3.4 of the Draft EIR identifies the steps to be taken should SBKR be located on-site in order to reduce any impacts to a less than significant level.
- A1.14** The City of Fontana will report and incorporate relevant project material into the CNDDDB database per CDFW requirements.
- A1.15** Payment of appropriate fees would be made should the Project be approved.
- A1.16** These comments are conclusory in nature, and no response is required.

Comment Letter A2 - State of California, Department of Justice, Attorney General

Comment Letter A2

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 10, 2020

Ms. Cecily Session-Goins
Assistant Planner
City of Fontana, Planning Division
8353 Sierra Avenue
Fontana, CA 92335

RE: Draft Environmental Impact Report for the Sierra Avenue and Casa Grande Avenue Warehouse Project (SCH #2019070040)

Dear Ms. Session-Goins:

Thank you for the opportunity to provide comments on the City of Fontana’s Draft Environmental Impact Report (DEIR) for the Sierra Avenue and Casa Grande Avenue Warehouse Project (the Project). The Project is a 323,000 square foot warehouse on a site surrounded on three sides by communities of color that are already exposed to high levels of pollution. The DEIR found significant and unavoidable impacts to air quality and greenhouse gas emissions. Despite these impacts, the Project includes minimal mitigation, and it omits over a dozen measures required by the Final Environmental Impact Report for the City’s General Plan (General Plan FEIR). In addition, the DEIR’s analysis of air quality and noise impacts is flawed. We respectfully submit these comments urging the City to adopt all feasible air quality and greenhouse gas emission mitigation, including all applicable measures required by the General Plan FEIR, and to correct its California Environmental Quality Act (CEQA) analysis of air quality and noise impacts.¹

1

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

The Project would re-zone and re-designate 16 acres of land from residential to light industrial uses to construct a 323,000 square foot warehouse with an attached 10,000 square foot

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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.).

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Page 2

office.² The warehouse would have 11 loading docks, 67 trailer stalls, and 134 employee parking spaces.³ The DEIR projects that the warehouse would generate approximately 118 daily truck trips and 461 daily passenger car trips during 24-hour operation.⁴

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The area around the Project site has recently experienced significant residential development.⁵ Existing or planned residential communities lie to the west, north, east, and southwest. Specifically, homes, schools, and a community center are currently being built to the west, southwest, and northwest under preexisting specific plans. To the north, a single rural residence borders the Project site, followed by undeveloped parcels and a newly built residential development a half-mile north of the Project. The Project borders an existing residential community in the City of Rialto to the east. A vacant lot is directly south, and existing warehouses lie further to the south and southeast. The nearest sensitive receptors are the existing ranch residence about 15 feet to the north and the City of Rialto community about 215 feet to the east, which is separated from the Project only by a road and a narrow utility easement. There are currently three schools (Kucera Middle, Kordyak Elementary, and Fitzgerald Elementary), three parks, two daycare facilities, and a church within a mile of the Project site. After approved specific plans are fully built out, there will be five schools, nine full-size parks, fifteen smaller neighborhood parks,⁶ two daycare facilities, a community center, and a church within a mile of the Project site.

3

Despite the residential nature of the surrounding area, the communities near the Project are already exposed to significant levels of pollution. 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 among the worst ten to fifteen percent for combined pollution and vulnerability.⁷ Considering only pollution exposure, the Project's census tract ranks in the worst 98th percentile compared to the rest of the state. The communities in this area are particularly threatened by exposure to ozone, fine particulate matter, contaminated drinking water, contaminated groundwater, toxic cleanup sites, and solid waste. These communities also suffer from high rates of cardiovascular disease and babies born with a low birth weight, all of

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² DEIR at 3.0-10. The Project also includes up-zoning about 9 total acres of land across two sites to higher-density residential zoning to comply with SB 330 (2019). *See* Gov. Code, § 66300, subd. (i)(1). DEIR at 3.0-2 to -3.

³ DEIR at 3.0-10.

⁴ DEIR at 4.14-16 Table 4.14-3.

⁵ See Attachment A for an annotated image of the surrounding area.

⁶ Public or private parks of one acre or less.

⁷ 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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which are indicators of exposure to—and make the community more vulnerable to—the health impacts of additional pollution. The area’s demographics underscore the community’s vulnerability. Eighty percent of residents are people of color. A majority of students (64-83%) at the three existing schools within a mile of the Project qualify for free or reduced price meals.⁸ This Project would add to the environmental and health problems faced by the families that live in the area.

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II. THE DEIR FAILS TO INCORPORATE AIR QUALITY MITIGATION MEASURES REQUIRED BY THE CITY’S GENERAL PLAN.

Fontana updated its General Plan in 2018. As part of the update, Fontana reviewed the environmental impacts of its new General Plan, resulting in a Final Environmental Impact Report.⁹ The General Plan FEIR concluded that the General Plan update would cause significant air quality impacts, so it included a number of air quality mitigation measures that would apply to future projects.¹⁰ Over a dozen of the measures apply to this Project, ranging from a requirement to use non-diesel forklifts for on-site operations, to using low-emission paints, to posting anti-idling signs, to facilitating employee use of mass transit. These measures are fully enforceable.¹¹

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The DEIR includes only two air quality mitigation measures, both of which are required by the General Plan: (1) complying with South Coast Air Quality Management District’s (SCAQMD) fugitive dust regulations for construction, and (2) using low-emissions heavy-duty construction equipment.¹² We understand that the City is working to add the remaining applicable mitigation measures from the General Plan FEIR to the Project. We appreciate the City’s attention to this issue, and we look forward to seeing all of the applicable General Plan FEIR mitigation measures in the next version of the EIR.

6

III. THE DEIR FAILS 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

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⁸ Free and Reduced Price Meal Program data available at <https://www.cde.ca.gov/ds/sd/sd/filessp.asp>.

⁹ Fontana General Plan Update 2015-2035, Final Environmental Impact Report, <https://www.fontana.org/DocumentCenter/View/29525/Final-Environmental-Impact-Report-for-the-General-Plan-Update>

¹⁰ *Id.* at Table 2-2, 2-4 to 2-7.

¹¹ *Sierra Club v. Cty. of San Diego* (2014) 231 Cal.App.4th 1152, 1167-70.

¹² DEIR at 1.0-15 to -16.

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effects.¹³ The lead agency is expected to develop mitigation in an open public process,¹⁴ and mitigation measures must be fully enforceable and cannot be deferred to a future time.¹⁵

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The DEIR found significant and unavoidable air quality and greenhouse gas impacts.¹⁶ Specifically, the Project's nitrogen oxide emissions would exceed the significance threshold established by the South Coast Air Quality Management District, and the Project's greenhouse gas emissions would exceed Fontana's significance thresholds.¹⁷ Nitrogen oxide is a primary precursor to formation of smog, and it causes respiratory problems like asthma, bronchitis, and lung irritation.¹⁸ Greenhouse gas emissions contribute to climate change, which causes wide-ranging and devastating impacts.¹⁹

8

Despite these significant impacts, the DEIR includes only the two minimal construction mitigation measures mentioned above and no operational mitigation measures whatsoever. The DEIR admits that these mitigation measures fail to reduce the air quality and greenhouse gas impacts to less than significant levels.²⁰

CEQA prohibits the City from approving the Project if there are other feasible measures to reduce the Project's impacts.²¹ Numerous measures exist to further mitigate the Project's impacts on local community health, regional air quality, and greenhouse gas emissions—a list of measures is attached (Attachment B) to this comment for the City's consideration. Nearly all of these measures have been adopted in comparable projects, indicating that they are likely feasible. Indeed, Attachment C lists mitigation measures that have been included in recent warehouse projects in Fontana and greenhouse gas emission mitigation measures that were adopted in the amended Renaissance Specific Plan in Rialto. If the City declines to adopt any of the measures suggested in this comment, it must explain the basis for its decision as to each measure.²²

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Particularly given the Project's close proximity to a community of color that faces disproportionate levels of pollution, we urge the City to adopt all feasible measures and design changes to mitigate the Project's significant environmental effects. The Attorney General's

¹³ Pub. Resources Code, sec. 21100, subd. (b)(3).

¹⁴ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

¹⁵ CEQA Guidelines, sec. 15126.4.

¹⁶ DEIR at 4.2-26 to -27, Tables 4.2-14 and 4.2-15; DEIR at 4.7-19.

¹⁷ *Ibid.*

¹⁸ DEIR at 4.2-4 Table 4.2-2.

¹⁹ Intergovernmental Panel on Climate Change, Global Warming of 1.5°C, Summary for Policymakers (October 2018),

https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf.

²⁰ *Id.* at 4.2-28, 4.7-19.

²¹ Pub. Resources Code, sec. 21100, subd. (b)(3).

²² *Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.

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Office would be happy to provide any assistance it can as the City considers how best to mitigate the Project’s environmental impacts.

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IV. THE DEIR MISIDENTIFIES THE NEAREST SENSITIVE RECEPTOR.

When analyzing project impacts to sensitive receptors, the DEIR fails to properly identify the nearest sensitive receptor. In the air quality and noise sections, the DEIR repeatedly states that the nearest sensitive receptors are at residences approximately 215 to 330 feet to the southwest and east of the Project, respectively.²³ However, the nearest sensitive receptor is actually the residence bordering the Project to the north. That residence appears to be approximately 15 feet from the Project, and outbuildings and portions of a fence and driveway associated with that residence all appear to overlap with the Project’s boundaries. In addition, the Attorney General’s Office understands that a member of that household may have attended the scoping meeting for this Project’s environmental review. Because this sensitive receptor is far closer to the Project than those analyzed in the DEIR, the DEIR may substantially underestimate the Project’s impacts on sensitive receptors. The City must revise its review of any impacts that involve sensitive receptors to account for this sensitive receptor and recirculate the results of that analysis for public comment.

10

V. THE DEIR MUST ANALYZE ALL REASONABLY FORESEEABLE AIR QUALITY IMPACTS.

Under CEQA, the City must analyze all reasonably foreseeable Project impacts,²⁴ including the Project’s various allowed uses. The DEIR does not state whether the Project would allow cold storage warehouses, and it only analyzes the impacts of standard, unrefrigerated warehouses.

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Because refrigeration functions produce substantially more air pollution and greenhouse gas emissions, cold storage warehouses have greater air quality impacts than other types of warehouses. As the California Air Resources Board explains,

Transport Refrigeration Units (TRUs) are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including semi-trailers, truck vans, shipping containers, and rail cars. Although TRU engines are relatively small, ranging from 9 to 36 horsepower, significant numbers of these engines congregate at distribution centers, truck stops, and other facilities, resulting in the potential for health risks to those that live and work nearby.²⁵

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²³ DEIR at 4.2-7, 4.2-28, 4.2-29, 4.2-37, 4.11-8, 4.11-15, 4.11-19, 4.11-22.

²⁴ *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396.

²⁵ California Air Resources Board webpage entitled Transport Refrigeration Unit (TRU or Reefer) ACTM, available at <https://www.arb.ca.gov/diesel/tru/tru.htm>.

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To address this flaw in the DEIR, the City should either include a permit condition prohibiting refrigerated uses or analyze the air quality impacts of cold storage warehouse uses. If cold storage uses will remain allowable, the Project should include electric plugs for TRUs at every dock door to mitigate the outsized air quality harms of TRUs.

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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 DEIR and Project to adopt all feasible air quality and greenhouse gas mitigation, including measures required by the General Plan FEIR, and fully analyze all project impacts. 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.

13

Sincerely,



ROBERT SWANSON
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Attachment A: Project Vicinity



Attachment B: Air Quality and Greenhouse Gas Mitigation Measures

Measures to mitigate air quality and greenhouse gas impacts from construction include:

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.

Measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

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- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending California Air Resources Board-approved courses. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency’s SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

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**Attachment C: Air Quality Mitigation Measures in Recent Fontana Projects and
Greenhouse Gas Emission Mitigation Measures in Amended Renaissance Specific Plan in
Rialto**

Air quality mitigation measures in recent projects in Fontana:

- Requiring electric on-site operational equipment, such as forklifts and yard trucks;²⁶
- Require use of electricity infrastructure surrounding the construction site, if available, rather than electrical generators powered by internal combustion engines;²⁷
- Requiring contractors and building operators to use 2010 model year or better equivalent engines in all on-road heavy-duty diesel trucks;²⁸
- Providing electrical connections at loading docks;²⁹
- Providing solar installations on roofs;³⁰
- Incorporating electric vehicle charging stations and preferential carpool parking;³¹
- Constructing infrastructure to support electric truck charging stations;³²
- Providing ridesharing and transit incentives;³³
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers;³⁴
- Providing tenants with information on incentive programs to upgrade their fleets, such as the Carl Moyer Program and Voucher Incentive Program;³⁵
- Requiring documentation of proper maintenance of construction equipment;³⁶
- Submitting construction plans to reduce construction equipment travel near sensitive receptors.³⁷

²⁶ Goodman III Warehouse, SCH No. 2019039071, FEIR at 4.2-36; West Valley Logistics Project, SCH No. 2012071058, FEIR at 4-8 to 4-9; Seefried Warehouse Project, SCH No. 2009091089, FEIR at 265-66 (pinpoint citations to Fontana City Council Agenda for 11/27/2018).

²⁷ West Valley Logistics Project FEIR at 4-4.

²⁸ West Valley Logistics Project FEIR at 4-8.

²⁹ West Valley Logistics Project FEIR at 4-20; Goodman III Warehouse at S-14

³⁰ West Valley Logistics Project FEIR at 4-19; Goodman III Warehouse at S-14 (roof and electrical infrastructure must be able to accommodate solar panels).

³¹ West Valley Logistics Project FEIR at 4-6; Seefried Warehouse Project at 265

³² Seefried Warehouse Project at 265.

³³ West Valley Logistics Project FEIR at 4-7; Seefried Warehouse Project at 266; Goodman III Warehouse at S-14 to S-15, S-17

³⁴ West Valley Logistics Project FEIR at 4-6; Seefried Warehouse Project at 264

³⁵ West Valley Logistics Project FEIR at 4-6; Seefried Warehouse Project at 264; Goodman III Warehouse at S-13 to S-14, S-16

³⁶ West Valley Logistics Project FEIR at 4-5.

³⁷ West Valley Logistics Project FEIR at 4-5.

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Greenhouse gas emission mitigation measures in the amended Renaissance Specific Plan in the City of Rialto:³⁸

- Using locally produced and/or manufactured building materials for at least 10 percent of construction materials;
- Recycling/reusing at least 50 percent of demolished and/or grubbed construction materials (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard);
- Using green building materials for at least 10 percent of the Project;
- Increasing insulation such that heat transfer and thermal bridging is minimized;
- Limiting air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
- Incorporating ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.
- Installing efficient lighting and lighting control systems, and using daylight as an integral part of the lighting systems in buildings;
- Installing “cool” roofs and cool pavements;
- Installing energy-efficient heating and cooling systems, appliances and equipment, and control systems;
- Installing solar lights or light-emitting diodes (LEDs) for outdoor lighting;
- Installing electrical vehicle charging stations to promote the use of electrical vehicles;
- Creating water-efficient landscapes within the development;
- Installing water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
- Using reclaimed water, if available, for landscape irrigation within the Project and install the infrastructure to deliver and use reclaimed water, if available;
- Installing water-efficient fixtures and appliances, including low-flow faucets and waterless urinals;
- Restricting watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- To facilitate and encourage recycling to reduce landfill-associated emissions, among others, providing trash enclosures that include additional enclosed area(s) for collection of recyclable materials located within, near, or adjacent to each trash and rubbish disposal area and that covers a minimum of 50 percent of the area provided for the trash/rubbish enclosure(s);
- Providing employee education on waste reduction and available recycling services;
- Providing bicycle racks in convenient locations that are shown on building plans submitted for Planning Department approval;
- Providing pedestrian walkways that are connected to convenient walking routes.

³⁸ Renaissance Specific Plan, SCH No. 2006071021, Amendment Recirculated Draft Subsequent Environmental Impact Report at 1-17 to 1-21, https://www.yourrialto.com/wp-content/uploads/2015/06/RSPA-Draft-RSEIR_2016.09.23.pdf.

Response to Comment Letter A2 - State of California, Department of Justice, Attorney General

- A2.1** As requested by the commenter, the additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.
- A2.2** This comment contains a description of the proposed Project.
- A2.3** This comment contains a description of the existing and proposed surrounding land uses of the Project.
- A2.4** Given the location of the proposed Project and the adjacency to sensitive receptors, a Health Risk Assessment (HRA) was prepared for the proposed Project to assess potential health risks to the surrounding community. The HRA was prepared for the Warehouse site using air dispersion modeling (EPA AERMOD). Health risks are determined by examining the types and levels of air toxics generated and the associated impacts to air quality. As described above, impacts related to cancer risk would be less than significant with implementation of Mitigation Measure HRA-1. Additionally, non-carcinogenic hazards are calculated to be within acceptable limits. It should be noted that the impacts assess the Project's incremental contribution to health risk impacts, consistent with the SCAQMD guidance and methodology. The SCAQMD has not established separate cumulative thresholds and does not require combining impacts from cumulative projects. The SCAQMD considers projects that do not exceed the project-specific thresholds to generally not be cumulatively significant. Therefore, impacts related to health risk from the Project would be less than significant. Refer to Appendix B of the Draft EIR for additional information.
- A2.5** The additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.
- A2.6** The additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.
- A2.7** The additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.
- A2.8** The additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.
- A2.9** The additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.

A2.10 The comment notes that the closest sensitive receptor is one single-family residence located to the north of the Project site. The Draft EIR analyzed the Project against the South Coast Air Quality Management District's (SCAQMD) construction Localized Significance Thresholds (LSTs) for 50 meters because the closest residential communities are located 66 meters and 100 meters away. Additionally, the Draft EIR conservatively assumed 3 acres of daily disturbance during construction, but a review of the modeled construction equipment results in 4 acres of daily disturbance. Therefore, Table 4.2-16 in the Draft EIR will be modified to show 4 acres graded per day. Additionally, Table 4.2-17 will be modified in the Final EIR to use the 25-meter threshold for the closest receptor. As shown, with the adjusted distance, construction emissions would remain below the LST thresholds and the analysis conclusions would not change.

Table 4.2-16: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Grading	Tractors	<u>02</u>	0.5	8	<u>01</u>
	Graders	1	0.5	8	0.5
	Dozers	1	0.5	8	0.5
	Scrapers	2	1	8	2
Total Acres Graded per Day					<u>3.04.0</u>

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

Table 4.2-17, Localized Significance of Construction Emissions shows that emissions of these pollutants on the peak day of construction would not result in significant concentrations of pollutants at nearby sensitive receptors. Significant impacts would not occur concerning LSTs during construction.

Table 4.2-17: Localized Significance of Construction Emissions (Maximum Pounds Per Day)

Construction Activity	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})
Site Preparation (2020)	42.42	21.51	10.33	6.49
Grading (2020)	50.20	31.96	6.08	3.62
Building Construction (2020)	19.19	16.85	1.12	1.05
Building Construction (2021)	17.43	16.58	0.96	0.90
Paving (2021)	12.92	14.65	0.68	0.62
Architectural Coating (2021)	1.53	1.82	0.09	0.09
<i>SCAQMD Localized Screening Threshold (adjusted for <u>34</u> acres at <u>50 25</u> meters)</i>	<u>234237</u>	<u>1,7481,466</u>	<u>2913</u>	7
Exceed SCAQMD Threshold?	No	No	No	No

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

Additionally, the operational LST analysis conservatively used the 5-acre threshold even though the project site is 16.5 acres. This is considered conservative because the LSTs increase with larger acreages. As described on page 4.2-30 of the Draft EIR, the LST analysis only includes on-site sources. The CalEEMod model outputs do not separate on- and off-site emissions for operational mobile sources. For a worst-case scenario assessment, the emissions conservatively include all

on-site warehouse-related stationary sources and 100 percent of the warehouse related new mobile sources to include trucks idling on-site. However, mobile source emissions make up approximately 91 percent of the Project's operational emissions and a majority of the mobile emissions would occur off-site. Any on-site mobile source emissions would occur at the loading docks, which would be located approximately 150 meters from the closest sensitive receptor to the north. Therefore, the distance used in the operational LST analysis is conservative and no modifications to the Draft EIR are necessary.

- A2.11** The proposed Project does not propose refrigerated uses, and as such, the Project was not modeled for such uses. As such, the Project would be conditioned by the City to only allow development of the warehouse with non-refrigerated uses. Should a developer, in the future, wish to include refrigerated uses, the developer would need to seek a new discretionary approval from the City that would require additional CEQA analysis.
- A2.12** Refer to Response A2.11, above.
- A2.13** The additional air quality and greenhouse gas emissions mitigation measures from the City's General Plan EIR have been added to the Project EIR. Refer to Section 3.0, Errata, for the additional mitigation measures.

Comment Letter A3 - Metropolitan Water District of Southern California

Comment Letter A3



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

August 10, 2020

Via Electronic Mail

Ms. Cecily Session-Goins
Assistant Planner
City of Fontana Community Development Department
Planning Division
8353 Sierra Avenue
Fontana, California 92335

Dear Ms. Cecily Session-Goins:

Notice of Availability for the Draft Environmental Impact Report
for the Sierra Avenue and Casa Grande Avenue Warehouse Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Availability for the Draft Environmental Impact Report (DEIR) for the Sierra Avenue and Casa Grande Avenue Warehouse Project (Project). The proposed Project consists of the development of a 322,996 square-foot warehouse located at the northeastern corner of Sierra Avenue and Casa Grande Avenue, in the City of Fontana. The warehouse will be built within three connected parcels (Assessor Parcel Numbers (APNs): 0239-151-22, 0239-151-34, and 0239-151-40). The Project proposes to amend the general plan to convert multi-family high-density residential land use designation and medium-density-residential land use designation to light-industrial land use designation. The project will include connection to Metropolitan's Rialto Feeder Pipeline. The City of Fontana is the CEQA Lead Agency for the Project. This letter contains Metropolitan's comments as an affected public agency.

Metropolitan responded to the Notice of Preparation (NOP) of the EIR for the project in a letter dated July 23, 2019 (Attachment 1). As stated in that letter, Metropolitan owns and operates a facility near the boundaries of the proposed project location. Metropolitan's Rialto Feeder Pipeline, which is a 120- inch diameter pipeline, runs in a west-easterly direction and is located within our fee property. The enclosed map shows these rights-of-way in relation to the proposed project.

The Grading and Utilities sub-section of the Project's DEIR states the following in regard to Metropolitan's Rialto Feeder Pipeline, "The applicant would work with the water supplier to access and tie into the line and extend services into the Project site." Per CEQA Guidelines Section 15124(d)(A), Metropolitan is requesting to be acknowledged as a Responsible agency, as Metropolitan would be "expected to use the EIR in their decision-making" regarding discretionary action such as right of way or entry permits.

1

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Cecily Session-Goins
Page 2
August 10, 2020

Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to Metropolitan's Substructures Team. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities.

We appreciate the opportunity to provide input to your planning process. We look forward to receiving future documentation and design plans and to future coordination with The City of Fontana on this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or jditmar@mwdh2o.com.

Very truly yours,



Sean Carlson
Team Manager, Environmental Planning Section

JD:jd
Sharepoint/City of Fontana/Sierra Avenue and Casa Grande Avenue Warehouse Project

Enclosures:

- (1) Metropolitan Response to the Notice of Preparation
- (2) Map
- (3) Planning Guidelines

1
cont'd



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

July 23, 2019

VIA EMAIL

Ms. Cecily Session-Goins
Assistant Planner
City of Fontana Planning Division
8353 Sierra Avenue
Fontana, CA 92335

Dear Ms. Session-Goins:

Notice of Preparation for an Environmental Impact Report
for the Sierra Avenue and Casa Grande Avenue Warehouse Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Preparation for an Environmental Impact Report for the Sierra Avenue and Casa Grande Avenue Warehouse Project (Project). The proposed Project consists of the development of a 317,820 square-foot warehouse located at the northeastern corner of Sierra Avenue and Casa Grande Avenue, in the City of Fontana. The warehouse will be built within three connected parcels (Assessor Parcel Numbers (APNs): 0239-151-22, 0239-151-34, and 0239-151-40). The Project proposes to amend the general plan to convert multi-family high-density residential land to regional mixed use land designation, and a zoning change for the warehouse overlay. The City of Fontana is the CEQA Lead Agency for the Project. This letter contains Metropolitan's comments as a potentially affected public agency.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California, including Orange County. Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Our review of the Notice indicates that Metropolitan owns and operates a facility near the boundaries of the proposed project location. Metropolitan's Rialto Pipeline, which is a 120- inch diameter pipeline, runs in a west-easterly direction and is located within our fee property. The enclosed map shows these rights-of-way in relation to the proposed project. It will be necessary for the City to consider these facilities in its project planning.

Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Ms. Cecily Session-Goins
Page 2
July 23, 2019

Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to Metropolitan's Substructures Team. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities.

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, attached are the "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way". Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

Additionally, Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project. We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or jditmar@mwdh2o.com.

Very truly yours,



Sean Carlson
Interim Team Manager, Environmental Planning Section

JD:ds
Sharepoint/City of Fontana - Sierra Avenue and Casa Grande Avenue Warehouse Project_Comment Letter

Enclosures:

- (1) Map
- (2) Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way



**Guidelines for
Improvements and Construction Projects Proposed
in the Area of
Metropolitan’s Facilities and Rights-of-Way**



July 2018

Prepared By:
The Metropolitan Water District of Southern California
Substructures Team, Engineering Services
700 North Alameda Street
Los Angeles, California 90012

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Additional Copies: To obtain a copy of this document, please contact the Engineering Services Group, Substructures Team.

Disclaimer

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as deemed prudent, to assure that project plans are correct. The appropriate representative from Metropolitan must be contacted at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

PUBLICATION HISTORY:

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Issue Date: July 2018

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1.0 GENERAL INFORMATION

Note: Underground Service Alert at 811 must be notified at least two working days before excavating in proximity to Metropolitan's facilities.

1.1 Introduction

These guidelines provide minimum design and construction requirements for any utilities, facilities, developments, and improvements, or any other projects or activities, proposed in or near Metropolitan Water District of Southern California (Metropolitan) facilities and rights-of-way. Additional conditions and stipulations may also be required depending on project and site specific conditions. Any adverse impacts to Metropolitan's conveyance system, as determined by Metropolitan, will need to be mitigated to its satisfaction.

All improvements and activities must be designed so as to allow for removal or relocation at builder or developer expense, as set forth in the paramount rights provisions of Section 20.0. Metropolitan shall not be responsible for repair or replacement of improvements, landscaping or vegetation in the event Metropolitan exercises its paramount rights powers.

1.2 Submittal and Review of Project Plans/Utilities and Maps

Metropolitan requires project plans/utilities be submitted for all proposed activities that may impact Metropolitan's facilities or rights-of-way. Project plans shall include copies of all pertinent utilities, sewer line, storm drain, street improvement, grading, site development, landscaping, irrigation and other plans, all tract and parcel maps, and all necessary state and federal environmental documentation. Metropolitan will review the project plans and provide written approval, as it pertains to Metropolitan's facilities and rights-of-way. Written approval from Metropolitan must be obtained, prior to the start of any activity or construction in the area of Metropolitan's facilities or rights-of-way. Once complete project plans and supporting documents are submitted to Metropolitan, it generally takes 30 days to review and to prepare a detailed written response. Complex engineering plans that have the potential for significant impacts on Metropolitan's facilities or rights-of-way may require a longer review time.

Project plans, maps, or any other information should be submitted to Metropolitan's Substructures Team at the following mailing address:

**Attn: Substructures Team
The Metropolitan Water District of Southern California
700 North Alameda St.
Los Angeles, CA 90012**

**General Mailing Address: P.O. Box 54153
Los Angeles, CA 90054-0153**

Email: EngineeringSubstructures@mwdh2o.com

For additional information, or to request prints of detailed drawings for Metropolitan's facilities and rights-of-way, please contact Metropolitan's Substructures Team at 213-217-7663 or EngineeringSubstructures@mwdh2o.com.

1.3 Identification of Metropolitan's Facilities and Rights-of-Way

Metropolitan's facilities and rights-of-way must be fully shown and identified as Metropolitan's, with official recording data, on the following:

- A. All applicable plans
- B. All applicable tract and parcel maps

Metropolitan's rights-of-ways and existing survey monuments must be tied dimensionally to the tract or parcel boundaries. Metropolitan's Records of Survey must be referenced on the tract and parcel maps with the appropriate Book and Page.

2.0 General Requirements

2.1 Vehicular Access

Metropolitan must have vehicular access along its rights-of-way at all times for routine inspection, patrolling, operations, and maintenance of its facilities and construction activities. All proposed improvements and activities must be designed so as to accommodate such vehicular access.

2.2 Fences

Fences installed across Metropolitan's rights-of-way must include a 16-foot-wide gate to accommodate vehicular access by Metropolitan. Additionally, gates may be required at other specified locations to prevent unauthorized entry into Metropolitan's rights-of-way.

All gates must accommodate a Metropolitan lock or Knox-Box with override switch to allow Metropolitan unrestricted access. There should be a minimum 20-foot setback for gates from the street at the driveway approach. The setback is necessary to allow Metropolitan vehicles to safely pull off the road prior to opening the gate.

2.3 Driveways and Ramps

Construction of 16-foot-wide commercial-type driveway approaches is required on both sides of all streets that cross Metropolitan's rights-of-way. Access ramps, if necessary, must be a minimum of 16 feet wide.

There should be a minimum 20-foot setback for gates from the street at the driveway approach. Grades of ramps and access roads must not exceed 10 percent; if the slope of an access ramp or road must exceed 10 percent due to topography, then the ramp or road must be paved.

2.4 Walks, Bike Paths, and Trails

All walkways, bike paths, and trails along Metropolitan's rights-of-way must be a minimum 12-foot wide and have a 50-foot or greater radius on all horizontal curves if also used as Metropolitan's access roads. Metropolitan's access routes, including all walks and drainage facilities crossing the access routes, must be constructed to American Association of State Highway and Transportation Officials (AASHTO) H-20 loading standards (see Figure 1). Additional requirements will be placed on equestrian trails to protect the water quality of Metropolitan's pipelines and facilities.

2.5 Clear Zones

A 20-foot-wide clear zone is required to be maintained around Metropolitan's manholes and other above-ground facilities to accommodate vehicular access and maintenance. The clear zone should slope away from Metropolitan's facilities on a grade not to exceed 2 percent.

2.6 Slopes

Cut or fill slopes proposed within Metropolitan's rights-of-way must not exceed 10 percent. The proposed grade must not worsen the existing condition. This restriction is required to facilitate Metropolitan use of construction and maintenance equipment and allow uninhibited access to above-ground and below-ground facilities.

2.7 Structures

Construction of structures of any type is not allowed within the limits of Metropolitan's rights-of-way to avoid interference with the operation and maintenance of Metropolitan's facilities and possible construction of future facilities.

Footings and roof eaves of any proposed buildings adjacent to Metropolitan's rights-of-way must meet the following criteria:

- A. Footings and roof eaves must not encroach onto Metropolitan's rights-of-way.
- B. Footings must not impose any additional loading on Metropolitan's facilities.
- C. Roof eaves must not overhang onto Metropolitan's rights-of-way.

Detailed plans of footings and roof eaves adjacent to Metropolitan's rights-of-way must be submitted for Metropolitan's review and written approval, as pertains to Metropolitan's facilities.

2.8 Protection of Metropolitan Facilities

Metropolitan facilities within its rights-of-way, including pipelines, structures, manholes, survey monuments, etc., must be protected from damage by the project proponent or property owner, at no expense to Metropolitan. The exact location, description and method of protection must be shown on the project plans.

2.9 Potholing of Metropolitan Pipelines

Metropolitan's pipelines must be potholed in advance, if the vertical clearance between a proposed utility and Metropolitan's pipeline is indicated to be 4 feet or less. A Metropolitan representative must be present during the potholing operation and will assist in locating the pipeline. Notice is required, a minimum of three working days, prior to any potholing activity.

2.10 Jacked Casings or Tunnels

A. General Requirements

Utility crossings installed by jacking, or in a jacked casing or tunnel under/over a Metropolitan pipeline, must have at least 3 feet of vertical clearance between the outside diameter of the pipelines and the jacked pipe, casing, or tunnel. The actual

cover over Metropolitan's pipeline shall be determined by potholing, under Metropolitan's supervision.

Utilities installed in a jacked casing or tunnel must have the annular space between the utility and the jacked casing or tunnel filled with grout. Provisions must be made for grouting any voids around the exterior of the jacked pipe, casing, or tunnel.

B. Jacking or Tunneling Procedures

Detailed jacking, tunneling, or directional boring procedures must be submitted to Metropolitan for review and approval. The procedures must cover all aspects of operation, including, but not limited to, dewatering, ground control, alignment control, and grouting pressure. The submittal must also include procedures to be used to control sloughing, running, or wet ground, if encountered. A minimum 10-foot clearance must be maintained between the face of the tunneling or receiving pits and outside edges of Metropolitan's facility.

C. Shoring

Detailed drawings of shoring for jacking or receiving pits must be submitted to Metropolitan for review and written-approval. (See Section 10 for shoring requirements).

D. Temporary Support

Temporary support of Metropolitan's pipelines may be required when a utility crosses under a Metropolitan pipeline and is installed by means of an open trench. Plans for temporary support must be reviewed and approved in writing by Metropolitan. (See Section 11, Supports of Metropolitan Facilities).

3.0 Landscaping

3.1 Plans

All landscape plans must show the location and limits of Metropolitan's right-of-way and the location and size of Metropolitan's pipeline and related facilities therein. All landscaping and vegetation shall be subject to removal without notice, as may be required by Metropolitan for ongoing maintenance, access, repair, and construction activities. Metropolitan will not be financially responsible for the removal of any landscaping and vegetation.

3.2 Drought-Tolerant Native and California Friendly Plants

Metropolitan recommends use of drought-tolerant native and California Friendly® plants (excluding sensitive plants) on proposed projects. For more information regarding California Friendly® plants refer to www.bewaterwise.com.

3.3 Trees

Trees are generally prohibited within Metropolitan's rights-of-way as they restrict Metropolitan's ability to operate, maintain and/or install new pipeline(s) located within these rights-of-way. Metropolitan will not be financially responsible for the removal and replacement of any existing trees should they interfere with access and any current or future Metropolitan project located within the right-of-way.

3.4 Other Vegetation

Shrubs, bushes, vines, and groundcover are generally allowed within Metropolitan's rights-of-way. Larger shrubs are not allowed on Metropolitan fee properties; however, they may be allowed within its easements if planted no closer than 15 feet from the outside edges of existing or future Metropolitan facilities. Only groundcover is allowed to be planted directly over Metropolitan pipeline, turf blocks or similar is recommended to accommodate our utility vehicle access. Metropolitan will not be financially responsible for the removal and replacement of the vegetation should it interfere with access and any current or future Metropolitan project.

3.5 Irrigation

Irrigation systems are acceptable within Metropolitan's rights-of-way, provided valves and controllers are located near the edges of the right-of-way and do not interfere with Metropolitan vehicular access. A shutoff valve should also be located along the edge of the right-of-way that will allow the shutdown of the system within the right-of-way should Metropolitan need to do any excavation. No pooling or saturation of water above Metropolitan's pipeline and right-of-way is allowed. Additional restrictions apply to non-potable water such as Recycled Water and are covered on Table 3 of Page 20.

3.6 Metropolitan Vehicular Access

Landscape plans must show Metropolitan vehicular access to Metropolitan's facilities and rights-of-way and must be maintained by the property owner or manager or homeowners association at all times. Walkways, bike paths, and trails within Metropolitan's rights-of-way may be used as Metropolitan access routes. (See Section 2.4, Walks, Bike Paths, and Trails).

4.0 General Utilities

Note: For non-potable piping like sewer, hazardous fluid, storm drain, disinfected tertiary recycled water and recycled water irrigation see Table 1 through Table 3.

4.1 Utility Structures

Permanent utility structures (e.g., manholes, power poles, pull boxes, electrical vaults, etc.) are not allowed within Metropolitan's rights-of-way. Metropolitan requests that all permanent utility structures within public streets be placed as far from its pipelines and facilities as practical, but not closer than 5 feet from the outside edges of Metropolitan facilities.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation.

4.2 Utility Crossings

Metropolitan requests a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and any utility crossing the pipeline. Utility lines crossing Metropolitan's pipelines must be as perpendicular to the pipeline as possible. Cross-section drawings, showing proposed locations and elevations of utility lines and locations of Metropolitan's pipelines and limits of rights-of-way, must be submitted with utility plans, for all

crossings. Metropolitan's pipeline must be potholed under Metropolitan's supervision at the crossings (See Section 2.9).

4.3 Longitudinal Utilities

Installation of longitudinal utilities is generally not allowed along Metropolitan's rights-of-way. Within public streets, Metropolitan requests that all utilities parallel to Metropolitan's pipelines and appurtenant structures (facilities) be located as far from the facilities as possible, with a minimum clearance of 5 feet from the outside edges of the pipeline.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation (for more information See Table 1 on Page 18).

4.4 Underground Electrical Lines

Underground electrical conduits (110 volts or greater) which cross a Metropolitan's pipeline must have a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and the electrical lines. Longitudinal electrical lines, including pull boxes and vaults, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipeline or structures.

4.5 Fiber Optic Lines

Fiber optic lines installed by directional boring require a minimum of 3 feet of vertical clearance when boring is over Metropolitan's pipelines and a minimum of 5 feet of vertical clearance when boring is under Metropolitan's pipelines. Longitudinal fiber optic lines, including pull boxes, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipelines or structures. Potholing must be performed, under Metropolitan's supervision, to verify the vertical clearances are maintained.

4.6 Overhead Electrical and Telephone Lines

Overhead electrical and telephone lines, where they cross Metropolitan's rights-of-way, must have a minimum 35 feet of clearance, as measured from the ground to the lowest point of the overhead line. Overhead electrical lines poles must be located at least 30 feet laterally from the edges of Metropolitan's facilities or outside Metropolitan's right-of-way, whichever is greater.

Longitudinal overhead electrical and or telephone lines in public streets should have a minimum separation of 10 feet from the edge of a Metropolitan pipelines or structures where possible.

4.7 Sewage Disposal Systems

Sewage disposal systems, including leach lines and septic tanks, must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or the edge of its facilities, whichever is greater. If soil conditions are poor, or other adverse site-specific conditions exist, a minimum distance of 150 feet is required. They must also comply with local and state health code requirements as they relate to sewage disposal systems in proximity to major drinking water supply pipelines.

4.8 Underground Tanks

Underground tanks containing hazardous materials must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or edge of its facilities, whichever is greater. In addition, groundwater flow should be considered with the placement of underground tanks down-gradient of Metropolitan's facilities.

5.0 Specific Utilities: Non-Potable Utility Pipelines

In addition to Metropolitan's general requirements, installation of non-potable utility pipelines (e.g., storm drains, sewers, and hazardous fluids pipelines) in Metropolitan's rights-of-way and public street rights-of-way must also conform to the State Water Resources Control Board's Division of Drinking Water (DDW) regulation (Waterworks Standards) and guidance for separation of water mains and non-potable pipelines and to applicable local county health code requirements. Written approval is required from DDW for the implementation of alternatives to the Waterworks Standards and, effective December 14, 2017, requests for alternatives to the Waterworks Standards must include information consistent with: DDW's [Waterworks Standards Main Separation Alternative Request Checklist](#).

In addition to the following general guidelines, further review of the proposed project must be evaluated by Metropolitan and requirements may vary based on site specific conditions.

- A. Sanitary Sewer and Hazardous Fluids (General Guideline See Table 1 on Page 18)
- B. Storm Drain and Recycled Water (General Guideline See Table 2 on Page 19)
- C. Irrigation with Recycled Water (General Guideline See Table 3 on Page 20)
- D. Metropolitan generally does not allow Irrigation with recycled water to be applied directly above its treated water pipelines
- E. Metropolitan requests copies of project correspondence with regulating agencies (e.g., Regional Water Quality Control Board, DDW); regarding the application of recycled water for all projects located on Metropolitan's rights-of-way

6.0 Cathodic Protection/Electrolysis Test Stations

6.1 Metropolitan Cathodic Protection

Metropolitan's existing cathodic protection facilities in the vicinity of any proposed work must be identified prior to any grading or excavation. The exact location, description, and type of protection must be shown on all project plans. Please contact Metropolitan for the location of its cathodic protection stations.

6.2 Review of Cathodic Protection Systems

Metropolitan must review any proposed installation of impressed-current cathodic protection systems on pipelines crossing or paralleling Metropolitan's pipelines to determine any potential conflicts with Metropolitan's existing cathodic protection system.

7.0 Drainage

7.1 Drainage Changes Affecting Metropolitan Rights-of-Way

Changes to existing drainage that could affect Metropolitan's rights-of-way require Metropolitan's approval. The project proponent must provide acceptable solutions to ensure Metropolitan's rights-of-way are not negatively affected by changes in the drainage conditions. Plans showing the changes, with a copy of a supporting hydrology report and hydraulic calculations, must be submitted to Metropolitan for review and approval. Long term maintenance of any proposed drainage facilities must be the responsibility of the project proponent, City, County, homeowner's association, etc., with a clear understanding of where this responsibility lies. If drainage must be discharged across Metropolitan's rights-of-way, it must be carried across by closed conduit or lined open channel and must be shown on the plans.

7.2 Metropolitan's Blowoff and Pumpwell Structures

Any changes to the existing local watercourse systems will need to be designed to accommodate Metropolitan's blowoff and pumpwell structures, which periodically convey discharged water from Metropolitan's blowoff and pumping well structures during pipeline dewatering. The project proponents' plans should include details of how these discharges are accommodated within the proposed development and must be submitted to Metropolitan for review and approval. Any blowoff discharge lines impacted must be modified accordingly at the expense of the project proponent.

8.0 Grading and Settlement

8.1 Changes in Cover over Metropolitan Pipelines

The existing cover over Metropolitan's pipelines must be maintained unless Metropolitan determines that proposed changes in grade and cover do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance capability. Load and settlement or rebound due to change in cover over a Metropolitan pipeline or ground in the area of Metropolitan's rights-of-way will be factors considered by Metropolitan during project review.

In general, the minimum cover over a Metropolitan pipeline is 4 feet and the maximum cover varies per different pipeline. Any changes to the existing grade may require that Metropolitan's pipeline be potholed under Metropolitan's supervision to verify the existing cover.

8.2 Settlement

Any changes to the existing topography in the area of Metropolitan's pipeline or right-of-way that result in significant settlement or lateral displacement of Metropolitan's pipelines are not acceptable. Metropolitan may require submittal of a soils report showing the predicted settlement of the pipeline at 10-foot intervals for review. The data must be carried past the point of zero change in each direction and the actual size and varying depth of the fill must be considered when determining the settlement. Possible settlement due to soil collapse, rebound and lateral displacement must also be included.

In general, the typical maximum allowed deflection for Metropolitan's pipelines must not exceed a deflection of 1/4-inch for every 100 feet of pipe length. Metropolitan may require additional information per its Geotechnical Guidelines. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

9.0 Construction Equipment

9.1 Review of Proposed Equipment

Use of equipment across or adjacent to Metropolitan's facilities is subject to prior review and written approval by Metropolitan. Excavation, backfill, and other work in the vicinity of Metropolitan's facilities must be performed only by methods and with equipment approved by Metropolitan. A list of all equipment to be used must be submitted to Metropolitan a minimum of 30 days before the start of work.

- A. For equipment operating within paved public roadways, equipment that imposes loads not greater than that of an AASHTO H-20 vehicle (see Figure 1 on Page 21) may operate across or adjacent to Metropolitan's pipelines provided the equipment operates in non-vibratory mode and the road remains continuously paved.
- B. For equipment operating within unpaved public roadways, when the total cover over Metropolitan's pipeline is 10 feet or greater, equipment imposing loads no greater than those imposed by an AASHTO H-20 vehicle may operate over or adjacent to the pipeline provided the equipment is operated in non-vibratory mode. For crossings, vehicle path shall be maintained in a smooth condition, with no breaks in grade for 3 vehicle lengths on each side of the pipeline.

9.2 Equipment Restrictions

In general, no equipment may be used closer than 20 feet from all Metropolitan above-ground structures. The area around the structures should be flagged to prevent equipment encroaching into this zone.

9.3 Vibratory Compaction Equipment

Vibratory compaction equipment may not be used in vibratory mode within 20 feet of the edge of Metropolitan's pipelines.

9.4 Equipment Descriptions

The following information/specifications for each piece of equipment should be included on the list:

- A. A description of the equipment, including the type, manufacturer, model year, and model number. For example, wheel tractor-scraper, 1990 Caterpillar 627E.
- B. The empty and loaded total weight and the corresponding weight distribution. If equipment will be used empty only, it should be clearly stated.
- C. The wheel base (for each axle), tread width (for each axle), and tire footprint (width and length) or the track ground contact (width and length), and track gauge (center to center of track).

10.0 Excavations Close to Metropolitan Facilities

10.1 Shoring Design Submittal

Excavation that impacts Metropolitan's facilities requires that the contractor submit an engineered shoring design to Metropolitan for review and acceptance a minimum of 30 days before the scheduled start of excavation. Excavation may not begin until the shoring design is accepted in writing by Metropolitan.

Shoring design submittals must include all required trenches, pits, and tunnel or jacking operations and related calculations. Before starting the shoring design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements, particularly as to any special procedures that may be required.

10.2 Shoring Design Requirements

Shoring design submittals must be stamped and signed by a California registered civil or structural engineer. The following requirements apply:

- A. The submitted shoring must provide appropriate support for soil adjacent to and under Metropolitan's facilities.
- B. Shoring submittals must include detailed procedures for the installation and removal of the shoring.
- C. Design calculations must follow the Title 8, Chapter 4, Article 6 of the California Code of Regulations (CCR) guidelines. Accepted methods of analysis must be used.
- D. Loads must be in accordance with the CCR guidelines or a soils report by a geotechnical consultant.
- E. All members must be secured to prevent sliding, falling, or kickouts.

Metropolitan's pipelines must be located by potholing under Metropolitan's supervision before the beginning construction. Use of driven piles within 20 feet of the centerline of Metropolitan's pipeline is not allowed. Piles installed in drilled holes must have a minimum 2-foot clearance between Metropolitan's pipeline and the edge of the drilled hole, and a minimum of 1-foot clearance between any part of the shoring and Metropolitan's pipeline.

11.0 Support of Metropolitan Facilities

11.1 Support Design Submittal

If temporary support of a Metropolitan facility is required, the contractor shall submit a support design plan to Metropolitan for review and approval a minimum of 30 days before the scheduled start of work. Work may not begin until the support design is approved in writing by Metropolitan. Before starting design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements.

11.2 Support Design Requirements

Support design submittals must be prepared, stamped, and signed by a California registered civil or structural engineer. The following requirements apply:

- A. Support drawings must include detailed procedures for the installation and removal of the support system.
- B. Design calculations must follow accepted practices, and accepted methods of analysis must be used.
- C. Support designs must show uniform support of Metropolitan's facilities with minimal deflection.
- D. The total weight of the facility must be transferred to the support system before supporting soil is fully excavated.
- E. All members must be secured to prevent sliding, falling, or kickouts.

12.0 Backfill

12.1 Metropolitan Pipeline Not Supported

In areas where a portion of Metropolitan pipeline is not supported during construction, the backfill under and to an elevation of 6 inches above the top of the pipeline must be one-sack minimum cement sand slurry. To prevent adhesion of the slurry to Metropolitan's pipeline, a minimum 6-mil-thick layer of polyethylene sheeting or similar approved sheeting must be placed between the concrete support and the pipeline.

12.2 Metropolitan Pipeline Partially Exposed

In areas where a Metropolitan pipeline is partially exposed during construction, the backfill must be a minimum of 6 inches above the top of the pipeline with sand compacted to minimum 90 percent compaction.

12.3 Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA)

In areas where a Metropolitan cut and cover conduit is exposed, the following guidelines apply:

- A. No vehicle or equipment shall operate over or cross the conduit when the cover is less than 3 feet.
- B. Track-type dozer with a gross vehicle weight of 12,000 lbs or less may be used over the conduit when the cover is a minimum of 3 feet.
- C. Wheeled vehicles with a gross vehicle weight of 8,000 lbs or less may operate over the conduit when the cover is a minimum of 4 feet.
- D. Tracked dozer or wheeled vehicle should be used to push material over the conduit from the side.
- E. Tracked dozer or wheeled vehicle should gradually increase cover on one side of the conduit and then cross the conduit and increase cover on the other side of the conduit. The cover should be increased on one side of the conduit until a maximum of 2 feet of fill has been placed. The cover over the conduit is not allowed to be more than 2 feet higher on one side of the conduit than on the other side.
- F. The cover should be gradually increased over the conduit until the grade elevations have been restored.

13.0 Piles

13.1 Impacts on Metropolitan Pipelines

Pile support for structures could impose lateral, vertical and seismic loads on Metropolitan's pipelines. Since the installation of piles could also cause settlement of Metropolitan pipelines, a settlement and/or lateral deformation study may be required for pile installations within 50 feet of Metropolitan's pipelines. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

13.2 Permanent Cast-in-place Piles

Permanent cast-in-place piles must be constructed so that down drag forces of the pile do not act on Metropolitan's pipeline. The pile must be designed so that down drag forces are not developed from the ground surface to springline of Metropolitan's pipeline.

Permanent cast-in-place piles shall not be placed closer than 5 feet from the edge of Metropolitan's pipeline. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

Protective slabs must be permanent cast-in-place concrete protective slabs configured in accordance with Drawing SK-1 (See Figure 2 on Page 22).

The moments and shear for the protective slab may be derived from the American Association of State Highway and Transportation Officials (AASHTO). The following requirements apply:

- A. The concrete must be designed to meet the requirements of AASHTO
- B. Load and impact factors must be in accordance with AASHTO. Accepted methods of analysis must be used.
- C. The protective slab design must be stamped and signed by a California registered civil or structural engineer and submitted to Metropolitan with supporting calculations for review and approval.

Existing protective slabs that need to be lengthened can be lengthened without modification, provided the cover and other loading have not been increased.

15.0 Blasting

At least 90 days prior to the start of any drilling for rock excavation blasting, or any blasting in the vicinity of Metropolitan's facilities, a site-specific blasting plan must be submitted to Metropolitan for review and approval. The plan must consist of, but not be limited to, hole diameters, timing sequences, explosive weights, peak particle velocities (PPV) at Metropolitan pipelines/structures, and their distances to blast locations. The PPV must be estimated based on a site-specific power law equation. The power law equation provides the peak particle velocity versus the scaled distance and must be calibrated based on measured values at the site.

16.0 Metropolitan Plan Review Costs, Construction Costs and Billing

16.1 Plan Review Costs

Metropolitan plan reviews requiring 8 labor hours or less are generally performed at no cost to the project proponent. Metropolitan plan reviews requiring more than 8 labor hours must be paid by the project proponent, unless the project proponent has superior rights at the project area. The plan review will include a written response detailing Metropolitan's comments, requirements, and/or approval.

A deposit of funds in the amount of the estimated cost and a signed letter agreement will be required from the project proponent before Metropolitan begins or continues a detailed engineering plan review that exceeds 8 labor hours.

16.2 Cost of Modification of Facilities Performed by Metropolitan

Cost of modification work conducted by Metropolitan will be borne by the project proponent, when Metropolitan has paramount/prior rights at the subject location.

Metropolitan will transmit a cost estimate for the modification work to be performed (when it has paramount/prior rights) and will require that a deposit, in the amount of the estimate, be received before the work will be performed.

16.3 Final Billing

Final billing will be based on the actual costs incurred, including engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the total cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice for the additional amount will be forwarded for payment.

17.0 Street Vacations and Reservation of Easements for Metropolitan

A reservation of an easement is required when all or a portion of a public street where Metropolitan facilities are located is to be vacated. The easement must be equal to the street width being vacated or a minimum 40 feet. The reservation must identify Metropolitan as a "public entity" and not a "public utility," prior to recordation of the vacation or tract map. The reservation of an easement must be submitted to Metropolitan for review prior to final approval.

18.0 Metropolitan Land Use Guidelines

If you are interested in obtaining permission to use Metropolitan land (temporary or long term), a Land Use Form must be completed and submitted to Metropolitan for review and consideration. A nonrefundable processing fee is required to cover Metropolitan's costs for reviewing your request. Land Use Request Forms can be found at:

http://mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Land_Use_Request_form_revised.pdf

The request should be emailed to RealEstateServices@mwdh2o.com, or contact the Real Property Development and Management (RPDM) Group at (213) 217-7750.

After the initial application form has been submitted, Metropolitan may require the following in order to process your request:

- A. A map indicating the location(s) where access is needed, and the location & size (height, width and depth) of any invasive subsurface activity (boreholes, trenches, etc.).
- B. The California Environmental Quality Act (CEQA) document(s) or studies that have been prepared for the project (e.g., initial study, notice of exemption, Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), etc.).
- C. A copy of an ACORD insurance certification naming Metropolitan as an additional insured, or a current copy of a statement of self-insurance.
- D. Confirmation of the legal name of the person(s) or entity(ies) that are to be named as the permittee(s) in the entry permit.
- E. Confirmation of the purpose of the land use.
- F. The name of the person(s) with the authority to sign the documents and any specific signature title block requirements for that person or any other persons required to sign the document (i.e., legal counsel, Board Secretary/Clerk, etc.).
- G. A description of any vehicles that will have access to the property. The exact make or model information is not necessary; however, the general vehicle type, expected maximum dimensions (height, length, width), and a specific maximum weight must be provided.

Land use applications and proposed use of the property must be compatible with Metropolitan's present and/or future use of the property. Any preliminary review of your request by Metropolitan shall not be construed as a promise to grant any property rights for the use of Metropolitan's property.

19.0 Compliance with Environmental Laws and Regulations

As a public agency, Metropolitan is required to comply with all applicable environmental laws and regulations related to the activities it carries out or approves. Consequently, project plans, maps, and other information must be reviewed to determine Metropolitan's obligations pursuant to state and federal environmental laws and regulations, including, but not limited to:

- A. California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387)
- B. Federal Endangered Species Act (ESA) of 1973, 16 U.S.C. §§ 1531, et seq.
- C. California Fish and Game Code Sections 2050-2069 (California ESA)
- D. California Fish and Game Code Section 1602
- E. California Fish and Game Code Sections 3511, 4700, 5050 and 5515 (California fully protected species)
- F. Federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§ 703-712
- G. Federal Clean Water Act (including but not limited to Sections 404 and 401) 33 U.S.C. §§ 1342, 1344)

The Metropolitan Water District of Southern California

IMPROVEMENTS AND CONSTRUCTION GUIDELINES

- H. Porter Cologne Water Quality Control Act of 1969, California Water Code §§ 13000-14076.
- I. Title 22, California Code of Regulations, Chapter 16 (California Waterworks Standards), Section 64572 (Water Main Separation)

Metropolitan may require the project applicant to pay for any environmental review, compliance and/or mitigation costs incurred to satisfy such legal obligations.

20.0 Paramount Rights / Metropolitan’s Rights within Existing Rights-of-Way

Facilities constructed within Metropolitan’s rights-of-way shall be subject to the paramount right of Metropolitan to use its rights-of-way for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove or relocate any facilities from its rights-of-way, such removal and replacement or relocation shall be at the expense of the owner of the facility.

21.0 Disclaimer and Information Accuracy

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan’s facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as you may deem prudent, to assure that your project plans are correct. The relevant representative from Metropolitan must be called at least two working days, before any work activity in proximity to Metropolitan’s facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

Table 1: General Guidelines for Pipeline Separation between Metropolitan’s Pipeline¹ and Sanitary Sewer² or Hazardous Fluid Pipeline³

<p><u>Pipeline Crossings</u></p>	<p>Metropolitan requires that sanitary sewer and hazardous fluid pipelines that cross Metropolitan’s pipelines have special pipe construction (no joints) and secondary containment⁴. This is required for the full width of Metropolitan’s rights-of-way or within 10 feet tangent to the outer edges of Metropolitan’s pipeline within public streets. Additionally, sanitary sewer and hazardous fluid pipelines crossing Metropolitan’s pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance between the top and the bottom of Metropolitan’s pipeline and the pipe casing.</p> <p>These requirements apply to all sanitary sewer crossings regardless if the sanitary sewer main is located below or above Metropolitan’s pipeline.</p>
<p><u>Parallel Pipeline</u></p>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requires that all parallel sanitary sewer, hazardous fluid pipelines and/or non-potable utilities be located a minimum of 10 feet from the outside edges of Metropolitan’s pipelines. When 10-foot horizontal separation criteria cannot be met, longitudinal pipelines require special pipe construction (no joints) and secondary containment⁴.</p>
<p><u>Sewer Manhole</u></p>	<p>Sanitary sewer manholes are not allowed within Metropolitan’s rights-of-way. Within public streets, Metropolitan requests manholes parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment⁵.</p>

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

² Sanitary sewer requirements apply to all recycled water treated to less than disinfected tertiary recycled water (disinfected secondary recycled water or less). Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Hazardous fluids include e.g., oil, fuels, chemicals, industrial wastes, wastewater sludge, etc.

⁴ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁵ Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

Table 2: General Guidelines for Pipeline Separation between Metropolitan’s Pipeline¹ and Storm Drain and/or Disinfected Tertiary Recycled Water²

<u>Pipeline Crossings</u>	Metropolitan requires crossing pipelines to be special pipe construction (no joints) or have secondary containment ³ within 10-feet tangent to the outer edges of Metropolitan’s pipeline. Additionally, pipelines crossing Metropolitan’s pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance.
<u>Parallel Pipeline</u>	Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requests that all parallel pipelines be located a minimum of 10 feet from the outside edges of Metropolitan’s pipelines. When 10-foot horizontal separation criteria cannot be met, special pipe construction (no joints) or secondary containment ³ are required.
<u>Storm Drain Manhole</u>	Permanent utility structures (e.g., manhole, catch basin, inlets) are not allowed within Metropolitan’s rights-of-way. Within public streets, Metropolitan requests all structures parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment ⁴ .

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

² Disinfected tertiary recycled water as defined in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁴ Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

Table 3: General Guidelines for Pipeline Separation¹ between Metropolitan's Pipeline and Recycled Water^{2,4} Irrigations

<p>Pressurized recycled irrigation mainlines</p>	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing pressurized recycled irrigation mainlines must be special pipe construction (no joints) or have secondary containment³ within 10-feet tangent to the outer edges of Metropolitan's pipeline. • Longitudinal - must maintain a minimum 10-foot horizontal separation and route along the perimeter of Metropolitan's rights-of-way where possible.
<p>Intermittently Energized Recycled Water Irrigation System Components</p>	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment³. • Longitudinal – must maintain a minimum 5-foot horizontal separation between all intermittently energized recycled water irrigation system components (e.g. irrigation lateral lines, control valves, rotors) and the outer edges of Metropolitan's pipeline. Longitudinal irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment³.
<p>Irrigation Structures</p>	<p>Irrigation structures such as meters, pumps, control valves, etc. must be located outside of Metropolitan's rights-of-way.</p>
<p>Irrigation spray rotors near Metropolitan's aboveground facilities</p>	<p>Irrigation spray rotors must be located a minimum of 20-foot from any Metropolitan above ground structures with the spray direction away from these structures. These rotors should be routinely maintained and adjusted as necessary to ensure no over-spray into 20-foot clear zones.</p>
<p>Irrigations near open canals and aqueducts</p>	<p>Irrigation with recycled water near open canals and aqueducts will require a setback distance to be determined based on site-specific conditions. Runoff of recycled water must be contained within an approved use area and not impact Metropolitan facilities. Appropriate setbacks must also be in place to prevent overspray of recycled water impacting Metropolitan's facilities.</p>

Notes:

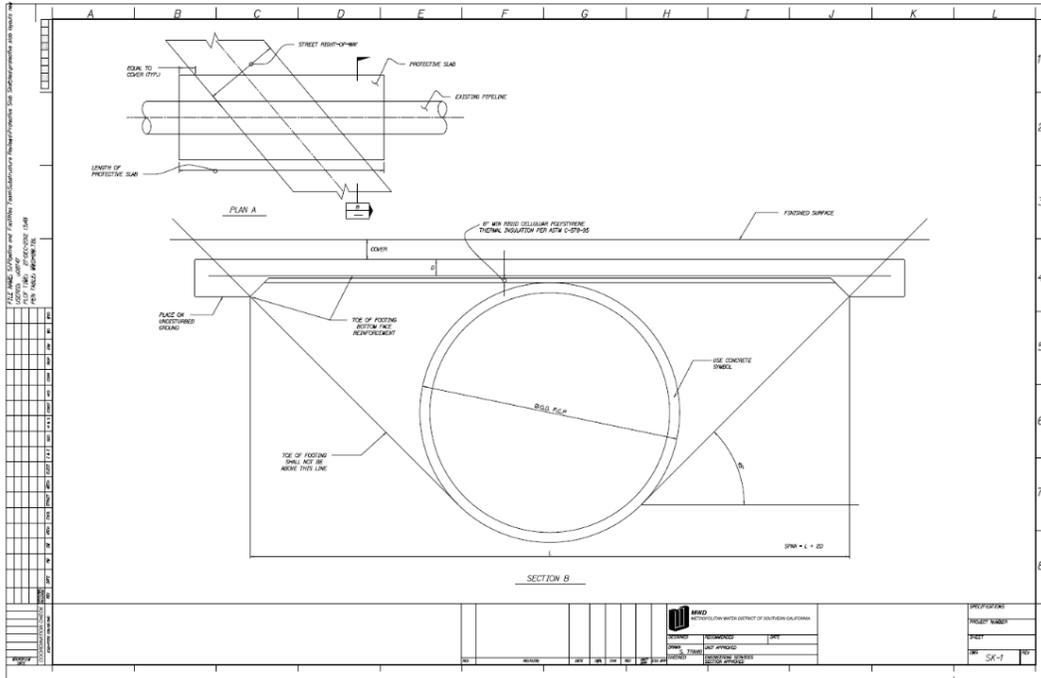
¹ Separation distances are measured from the outer edges of each pipe.

² Requirements for recycled water irrigation apply to all levels of treatment of recycled water for non-potable uses. Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (*Water Recycling Criteria*), Section 60301.

³ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁴ Irrigation with recycled water shall not be applied directly above Metropolitan's treated water pipelines.

Figure 2: Drawing SK-1



Response to Comment Letter A3 - Metropolitan Water District of Southern California

A3.1 The facilities owned by Metropolitan Water District (MWD) are located within and along Casa Grande Drive. The Project does not include improvements that would damage these facilities nor deny access to these facilities. Refer to Chapter 3.0, *Project Description*, for additional information. Additionally, the City of Fontana acknowledges MWD as a responsible agency for the Project. All future project plans will be submitted to MWD for review.

Comment Letter A4 - San Bernardino County Department of Public Works

Main Office - 825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.7910 Fax: 909.387.7911

www.SBCounty.gov



Department of Public Works

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

Comment Letter A4

Luther Snoke
Interim Director

Brendon Biggs, M.S., P.E.
Assistant Director

August 10, 2020

File: 10(ENV)-4.01

Cecily Session-Goins, Assistant Planner,
Community Development Department -Planning Division,
8353 Sierra Avenue, Fontana, CA
92335
Tel: (909) 350-6566
Email: CSGoins@fontana.org.

Transmitted Via Email

RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SIERRA AVENUE AND CASA GRANDE AVENUE WAREHOUSE PROJECT

Dear Ms. Session-Goins:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on June 29, 2020** and pursuant to our review, the following comments are provided:

Flood Control Planning & Water Resources Divisions (Michael Fam, Chief, 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 Projects are 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. Any environmental impacts associated with storm drain changes, should be addressed in the EIR prior to adoption and certification.

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

Sincerely,

Michael Perry

Michael R. Perry
Supervising Planner
Environmental Management

1

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Response to Comment Letter A4 - San Bernardino County Department of Public Works

A4.1 The Project is required to adhere to the requirements of the Fontana Master Plan of Drainage (Fontana MPD), dated June 1992. All environmental impacts associated with drainage for the Project were discussed and analyzed fully in Chapter 4.9, *Hydrology, Drainage, and Water Quality* of the Draft EIR. As identified in Chapter 4.9, no significant and unavoidable impacts relative to drainage would occur with implementation of the proposed Project.

Additionally, the San Bernardino County Department of Public Works is included on the City's list for all future communication for the proposed Project.

**Comment Letter O1 - Lozeau Drury, LLP
c/o SAFER (Supporters' Alliance for Environmental Responsibility)**

Comment Letter O1



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Via Email

July 28, 2020

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Re: Comment on Draft Environmental Impact Report, Sierra Avenue and Casa Grande Avenue Warehouse Project (SCH# 2019070040)

Dear Ms. Session-Goins, Mr. Hernandez, and Ms. Lewis:

I am writing on behalf of Supporters' Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as Sierra Avenue and Casa Grande Avenue Warehouse Project, including all actions related or referring to the development of a 322,996 square foot warehouse located at northeastern corner of Sierra Avenue and Casa Grande Avenue in the City of Fontana ("Project").

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Community Development Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings

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July 28, 2020
SAFER Comments on DEIR, Sierra Avenue and Casa Grande Avenue Warehouse Project
(SCH# 2019070040)
Page 2 of 2

concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*,
60 Cal. App. 4th 1109, 1121 (1997).

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cont'd

Sincerely,



Paige Fennie
Lozeau Drury LLP

***Response to Comment Letter O1 - Lozeau Drury, LLP
c/o SAFER (Supporters' Alliance for Environmental Responsibility)***

O1.1 The comment letter alludes to deficiencies in the environmental analysis contained in the Draft EIR. However, the comment does not provide specific information on the supposed deficiencies that would enable the City to provide a response. The City has determined that the environmental analysis contained in the Draft EIR and further substantiated in this Final EIR (including Responses to Comments and Errata) is thorough, complete, accurate, and includes all appropriate mitigation measures to feasibly reduce impacts. As such, no further response is necessary.

Comment Letter O2 - Golden State Environmental Justice Alliance

Comment Letter O2
Page 1 of 10



July 31, 2020

VIA EMAIL

Cecily Session-Goins, Assistant Planner
Community Development Department – Planning Division
City of Fontana
8353 Sierra Avenue, Fontana, CA 92335
CSGoins@fontana.org

SUBJECT: COMMENTS ON SIERRA AVE. AND CASA GRANDE AVE. WAREHOUSE PROJECT EIR (SCH NO. 2019070040)

To whom it may concern:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Sierra Ave. and Casa Grande Ave. Warehouse 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 construction and operation of one approximately 332,996 sf structure containing 322,996 sf of high-cube warehouse structure and 10,000 sf of office space. The overall coverage of the site would be 49.9% and the floor area ratio would be

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50.42%. The existing General Plan Land Use designations are R-M and R-MFH. The existing Zoning designations are R-2 and R-5. The project proposes a General Plan Amendment and Zone Change to change both designations to L-I, Light Industrial.

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The project also includes the up-zoning of two separate properties (referred to as Palmetto Site and Malaga Site) as Residential Unit Replacement (RUR) sites. This is due to recent provisions in SB 330 which require replacement housing sites when land designated for housing development is changed to a non-housing use. Table 3-1: Malaga and Palmetto Sites Potential for Residential Use notes that the maximum density for the Malaga Site is 546 units and the maximum density for the Palmetto Site is 43 units.

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1.1 Project Description

The Project Description states that “it is *anticipated* that the site would be graded to balance on-site.” There is no mechanism for public verification of this conclusion, such as a grading plan, included in the EIR. Further, the EIR utilizes uncertain language by stating that it is *anticipated* to be graded to balance on site. The EIR must be revised to include a grading plan to support the conclusion that the project will not require import or export of soil/material.

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The Project Description states that a Zoning Text Amendment is part of the proposed project. Details on the exact text to be changed are not included, only that “The ZTA would amend, as needed, the zoning code to enable construction of the warehouse site and eventual development of the Malaga Site and Palmetto Site should they be built. Examples of amended elements include permitted uses, setback requirements, or parking or even signage.” Not including the exact changes to the Zoning Code is in violation of CEQA’s requirements for meaningful disclosure (CEQA § 21003). This information is especially vital as warehouses over 200,000 sf are not currently permitted in the Light Industrial/M-1 Zone. If the project proposes to change the Zoning Code to permit warehouses over 200,000 sf in the M-1 Zone, the EIR must include a cumulative impact analysis to accurately and adequately analyze the potentially significant cumulative impacts of allowing warehouses larger than 200,000 sf in the M-1 Zone citywide.

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1.2 Project Implementation Prior to CEQA Review

The Project Description describes the warehouse site as “vacant and has no existing structures but contains a remnant concrete housing pad.” Appendix E - Phase 1 Environmental Site Assessment (ESA) conducted on February 24, 2015 states the “property is currently occupied by

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a single-family residence.” Demolishing the onsite residence is clearly implementation of the proposed project prior to CEQA review. A revised EIR must be prepared to accurately analyze the potentially significant environmental impacts, including those related to project implementation prior to CEQA review and a change in environmental setting.

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1.3 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA § 15378). The EIR describes the construction and operation of the warehouse project as well as the upzoning of two RUR sites. The EIR maintains throughout that there are no construction plans to develop the RUR sites, yet still provides relevant technical analysis for each property. Since the RUR sites would be future residential infill construction projects, they would be exempt from future CEQA review pursuant to CEQA § 15183. Even though there may not be a formal development application submitted, development of these two sites is part of the whole action. CEQA § 15165 requires that where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, an EIR must address itself to the scope of the larger project. The upzoning of the two RUR sites is a necessary precedent for action on the larger project - development of the warehouse site. The EIR must be revised to comply with CEQA § 15165 by preparing a Program EIR pursuant to CEQA § 15168.

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Further, the Project Description states that based on the proposed uses for the warehouse site, 87 parking stalls are required. The warehouse site provides 134 parking spaces, which is a surplus of 47 spaces over the required number of spaces. The EIR notes that the excess parking is “to account for anticipated demands of tenants seeking market rate Class A (highest quality) industrial space. Tenants seeking Class A industrial space typically desire more parking to support the office space uses proposed in the building. The additional number of parking spaces also accommodates future options for tenants to expand the office space area within the warehouse.” The EIR states that the warehouse project provides an excess of parking because it will be improved with additional office space. This known addition to the project scope must be included in all environmental analysis as part of a revised EIR.

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4.2 Air Quality

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Section 18-63 of the Fontana Municipal Code permits construction activity between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. Saturday. The EIR does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 11 hours per day, 5 days per week and 9 hours on Saturday. It is legal for construction to occur for much longer hours (11 hours per day permitted while 8 hours per day analyzed) and an additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis (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 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 same is true for the worker trip length at 14.70 miles for all phases of construction. A revised EIR must be prepared which includes supporting evidence demonstrating the worker and vendor trip length to be utilized for analysis.

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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 (6071002704) ranks worse than 90 percent of the rest of the state overall. The project’s census tract is in the 98th percentile for pollution burden, meaning it is in the most polluted ranks of all census tracts in the state of California. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of ozone than 98 percent of the state and more PM 2.5 than 93 percent of the state.

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The project’s census tract is a diverse community including 45 percent Hispanic residents, 16% African-American residents, and 15% Asian residents. The census tract also includes 17% children under age 10, which are especially vulnerable to the impacts of pollution. Also, 54 percent of the population over age 25 has less than a high school education, which is an indication that they may lack health insurance or access to medical care.

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4.3 Biological Resources

The project site is located within the Riverside County MSHCP survey area for burrowing owl. Project field investigations were conducted on July 11 and 13, 2019. Burrows were found throughout the site. The timing and number of field investigations are not in accordance with the Department of Fish and Game’s 2012 Staff Report on Burrowing Owl Mitigation. The 2012 Report concludes that “current scientific literature indicates that it is most effective to conduct breeding and non- breeding season surveys and report in the manner that follows:

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Breeding Season Surveys

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

The field investigations conducted as part of the Biological Resources analysis were not completed at times most effective as noted in the 2012 Report. The investigations conducted zero site visits between 15 February and 15 April. Two total site visits were conducted two days apart while the 2012 Report lists four total visits (each visit three weeks apart) as most effective. Burrows were detected onsite during both field investigations and the surveys were not conducted in accordance with the most effective practices outlined by the 2012 Report. A revised EIR must be prepared which includes focused burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report for public review.

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4.5 Energy

The EIR also concludes that since the project is required to comply with Title 24 energy requirements it will result in less than significant environmental impacts. The EIR presents a CalEEMod analysis of the project’s potential energy consumption. However, the EIR does not include the applicable thresholds for each category in California Energy Code Title 24, Part 6 standards in order to demonstrate that the project will meet those thresholds. The project is required to comply with the 2019 Building Energy Efficiency Standards. The State of California lists two approved compliance modeling softwares¹ for non-residential buildings: CBECC-Com and EnergyPro. CalEEMod is not listed as an approved software. The modeling provided in the

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¹ 2019 Building Energy Efficiency Standards Approved Computer Compliance Programs, California Energy Commission. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-2>

EIR does not comply with the 2019 Building Energy Efficiency Standards and under reports the project’s potentially significant GHG impacts to the public and decision makers. Since the EIR did not accurately or adequately model the Energy impacts in compliance with Title 24, a finding of significance must be made. Further, a revised EIR with energy modeling in one of the two approved software types must be circulated for public review in order to adequately analyze the project’s potentially significant energy impacts.

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4.7 Greenhouse Gas Emissions

Table 4.7-3: Warehouse Site Greenhouse Gas Emissions states that project operations will result in 2,857 metric tons of CO₂e (MTCO₂e) annually. However, review of the CalEEMod analysis referred to in this section indicates that 2,857 MTCO₂e is a mitigated operational impact. The unmitigated annual operational total is 3,004 MTCO₂e according to the CalEEMod output sheets. However, the Greenhouse Gas and Air Quality analyses do not include any operational mitigation measures to achieve the inexplicable 6.29% reduction in MTCO₂e annually. A revised EIR must be prepared which includes the methods of mitigation utilized in the analysis to achieve a compliant level of MTCO₂e in order to comply with CEQA’s requirements for meaningful disclosure.

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4.10 Land Use

The project proposes to change both the existing General Plan Land Use designations (R-M and R-MFH) and Zoning designations (R-2 and R-5) to Light Industrial. The EIR does not include the following requirement from the Fontana Zoning Code for analysis:

Section 30-522 Industrial Districts

1. Light Industrial (M-1). An industrial zoning district that accommodate employee-intesntivie uses, such as business parks, research and technology centers, offices, and supporting retail uses, **high cube/warehousing 200,000 square feet or less** but which does not permit heavy manufacturing, processing of raw materials, or business logistics which generate high volumes of truck traffic.

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The proposed project includes a 332,996 sf high-cube warehouse building. This is not permitted in the Light Industrial (M-1) district. The EIR must be revised to include a finding of significance that the project does not comply with the existing General Plan or proposed Zoning Designation.

Further, the EIR finds that the project is consistent with Goal 5, Policy 2 of the General Plan:

“Policy 2: Maintain but do not expand existing heavy industrial land use areas in proximity to one another and to services for industrial uses

Consistent: The Warehouse site is not considered heavy industrial, but rather is light industrial and warehousing.”

The proposed project is considered a heavy industrial use by the General Plan and Zoning designations. The EIR is misleading to the public and decision makers by stating that the project is a light industrial use when it exceeds the specific threshold to be classified as such. A revised EIR must be circulated for public review which includes meaningful analysis of this inconsistency and a finding of significance.

Additionally, the cumulative analysis concludes that the project will not have significant cumulative impacts because "the builder has requested a zoning change to Regional Mixed Use with a Warehousing Distribution/Logistics Overlay, similar to the land use designations directly south of the project." This statement is erroneous and misleading to the public and decision makers. The project requests to change GP and Zoning designations to Light Industrial. A revised EIR must be prepared which includes analysis of the correct

4.12 Population and Housing

The EIR concludes that “the Warehouse would require approximately 0.59 persons/employees per 1,000 square feet,” resulting in demand for approximately 188 new employees when the project is operational. The EIR utilizes “the average number of workers per square foot provided by EnergyStar” as the source of the calculation without stating that this information is reliable by any means or accepted by industry standards. There is no statement in the EIR regarding why this ratio was chosen as the source calculation. Additionally, the EnergyStar document is not included for reference in the EIR. CEQA § 15150 (f) states that incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand. The EnergyStar document contributes directly to the analysis of the problem at hand. Not including the EnergyStar document as an attachment for public review is in violation of CEQA § 15150 (f). The EIR must be revised and recirculated for public review including the EnergyStar document.

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The Southern California Association of Government (SCAG) Employment Density Study² provides the following applicable employment generation rates for San Bernardino County:

1 employee per 1,195 sf of warehouse area

1 employee per 597 sf of office area

Application of these ratios results in the following calculation:

Warehouse: $322,996 \text{ sf} / 1,195 \text{ sf} = 271 \text{ employees}$

Office: $10,000 \text{ square feet} / 597 \text{ sf} = 17 \text{ employees}$

288 employees total

The EnergyStar source calculation utilized for analysis underrepresents the number of employees generated by the proposed project. The EIR must be revised and recirculated for public review which provides accurate employment generation estimates utilized for analysis. The analysis must provide meaningful evidence to support the conclusion that the project will not induce unplanned indirect or direct population growth.

4.14 Transportation and Traffic

The EIR is internally inconsistent. The Population and Housing analysis states that “Casa Grande Avenue would not be developed as a through street into Rialto.” This is also noted in the Transportation and Traffic analysis. However, Figure 7 - Project Related Traffic Volumes and Figure 8 - Existing Plus Project Traffic Volumes both depict traffic heading east on Casa Grande into Rialto. Including the full eastbound connected portion of Casa Grande for analysis underrepresents the traffic impacts of the proposed project. The EIR must be revised and remove all trips modeled as heading eastbound on Casa Grande into Rialto. This is especially vital for analysis as the Project Description states that all trucks will access the site from Casa Grande. Without the ability to continue eastbound; all trucks must travel westbound towards Sierra Avenue.

The study area for the proposed project includes analysis of four future onsite project driveways, Sierra Avenue at Casa Grande Drive (future intersection), and Sierra Avenue at SR-210 Eastbound and Westbound Ramps. The EIR is arbitrary and capricious in that it excludes for analysis its potentially significant impacts on the transportation facilities beyond those proposed as part of the project (which do not exist yet and will only be utilized to serve the project) or the

²SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

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one freeway ramp that provides immediate access to the site. The EIR does not provide any information regarding analysis of freeway mainline segments or freeway merge/diverge interchanges. The EIR must be revised and circulated for public review to include analysis of the following transportation facilities providing direct access to the project site:

Freeway Merge/Diverge

I-215 at I-15

SR-210 at I-15

Freeway Mainline

I-15 from I-215 junction to SR-210 junction

Freeway On/Off Ramps

I-15 at Sierra Ave.

I-15 at Beech Ave./Summit Ave.

I-15 at Duncan Canyon Rd.

SR-210 at Beech Ave.

SR-210 at Citrus Ave.

Intersections

Summit Ave. at Sierra Ave.

Summit Ave. at Beech Ave.

Citrus Ave. at Summit Ave.

Citrus Ave. at Casa Grande Ave.

Citrus Ave. at Duncan Canyon Rd.

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

The EIR is also internally inconsistent regarding cumulative impacts. The TIA only includes analysis of two projects that are in the immediate vicinity of the project site - a warehouse to the south and a residential community to the southwest. Table 4-1: Cumulative Projects List includes 28 projects that are stated as considered for cumulative analysis. The EIR must be revised to include analysis of all 28 cumulative projects in order for the EIR to accurately and adequately analyze all potentially significant cumulative impacts.

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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 to Comment Letter O2 - Golden State Environmental Justice Alliance

O2.1 These comments are introductory in nature and do not require a response. Future communications regarding the proposed Project will be sent to the address noted.

O2.2 This comment restates components of the Project Description.

O2.3 This comment restates components of the Project Description.

O2.4 As identified in Chapter 3.0, *Project Description*, the Warehouse site is relatively flat but would require grading to achieve the needed slopes and contour to facilitate building design and connections to existing utilities. The Warehouse site generally slopes from approximately 1,765 feet on the north to approximately 1,730 on the south. The Warehouse site would maintain the same general drainage pattern and would be graded to conduct runoff to the new drainage facilities that would be constructed on the southern portion of the Project site. It is anticipated that the site would be graded to balance on-site, and the finished floor would be 1,754 feet on the northerly side of the structure and 1,752.5 feet on the southerly side. Preliminary grading plans have been prepared for the Project and were utilized in the preparation of the Draft EIR, which reflects a balanced site. Final grading plans would be prepared should the Project be approved. The City's Public Works Department is required to approve all final grading plans prior to construction of the proposed Project.

O2.5 As stated by the commenter, the proposed Project also would require a Zoning Text Amendment (ZTA). The ZTA would be used to change to the text in the Zoning Ordinance. The text would be modified, with approval of both the Planning Commission and City Council as part of the proposed Project. The ZTA would amend, as needed, the zoning code to enable construction of the warehouse site and eventual development of the Malaga Site and Palmetto Site should they be built. Examples of amended elements include permitted uses, setback requirements, or parking or even signage. The exact text of the ZTA would be finalized at such time of Project Approval to ensure that the elements of the Project are consistent with the text. All elements of the Project (development standards, parking, signage, etc.) are described in great detail in the EIR chapters and are graphically depicted in various exhibits throughout the Draft EIR. As such, the City disagrees that it has with the commenter that it has violated providing meaningful disclosure to the public.

Additionally, the Project includes a full discussion of cumulative impacts of the proposed Project, including impacts associated with the proposed Zone Change at the end of each analysis chapter. Additionally, Chapter 6, *Additional CEQA Considerations*, of the Draft EIR includes a discussion of cumulatively considerable impacts.

O2.6 Chapter 3.0, *Project Description*, of the Draft EIR accurately reflects the site conditions at the time of the preparation of the EIR. The Project site is vacant and has no existing structures but contains a remnant concrete housing pad. The site is otherwise unimproved. At the time of the preparation of the Phase I Environmental Site Assessment (Appendix E of the Draft EIR) (2015), a structure did exist on-site but has since been removed. As such, the Project Description contained in the Draft

EIR is accurate. A revised EIR does not need to be prepared to rectify inconsistencies, as no such inconsistencies exist. Additionally, the City would like to direct the commenter to CEQA Guidelines Section 15125, which identifies how a Lead Agency shall establish baseline conditions for a proposed Project. The baseline conditions in the Draft EIR are consistent with these requirements.

- 02.7** The City respectfully disagrees with the commenter. The Draft EIR fully discloses all impacts associated with the construction and operation of the warehouse component, and fully discloses all potential impacts associated with the RUR sites at a programmatic level. This is due to the fact that no site-specific development applications have been submitted to the City for the development of the RUR sites. In fact, the analysis of the RUR sites fully discloses the potential impacts of the Project, as the upzoning of the RUR sites is an effect of the warehouse development.
- 02.8** The Draft EIR fully analyzes the Project as a whole, including the amount of parking disclosed.
- 02.9** The commenter states that because construction activity is permitted by the City eleven hours a day, five days a week, and 9 hours on Saturday, the air quality emissions should be modeled to reflect that schedule. However, although construction is permitted during this time, there is no reason to anticipate that workers and heavy equipment will be operating for eleven hours straight for five days a week and nine hours on Saturday.

A standard workweek is eight hours per day and 40 hours per week per industry standards, as well as monitoring of similar projects that have been developed in the City in the past two years. Any work beyond the standard eight-hour workday would require overtime payment to the construction crew. Unless there are unusual circumstances that would warrant overtime pay, working beyond an eight-hour day is not typical practice. As there are no known unusual circumstances that would result in the need for overtime pay, there are no known unusual circumstances that warrant analyzing this scenario.

Construction emissions for the Project relied on default CalEEMod values based on the project land use and size. During the development of CalEEMod, SCAQMD performed construction surveys in order to develop estimates for construction equipment usage and construction phase lengths, this information included typical types of construction equipment and hours of operation. The results of this survey were incorporated into CalEEMod as default values.

The commenter provides no evidence that development of this Project will require longer hours of construction. CEQA does not require an analysis of an unlikely worst-case scenario and need only evaluate impacts that are a reasonably foreseeable consequence of the Project (*High Sierra Rural Alliance v. County of Las Plumas* (2018) 29 Cal.App.5th 102). No further response is required.

- 02.10** The commenter states that the CalEEMod output sheets indicate that the average vendor trip length is 6.90 miles and that average worker trip length is 14.70 miles and requests supporting evidence.

As shown in the CalEEMod output sheets, the vendor trip lengths and worker trip lengths are the default values provided by CalEEMod and have not been modified. As stated in *Appendix A: Calculation Details for CalEEMod*, page 14, "The default trip length for workers is based on the location [home-work] H-W trip length. The default trip length for vendors is the [commercial-nonwork] C-NW trip length. The hauling trip length is set at 20 miles". The CalEEMod trip lengths are based on SCAQMD surveys. Therefore, based on the location of the Project, CalEEMod has determined that a vendor trip length of 6.90 miles and a worker trip length of 14.70 miles is most appropriate. No further response is required.

- 02.11** The commenter states that the EIR does not include analysis for environmental justice issues when reviewing potential impacts and that CalEnviroScreen shows that the project census tract has a higher burden of ozone than 98% of the state and more PM 2.5 than 93% of the state.

The California Communities Environmental Health Screening Tool (CalEnviroScreen) has been developed by the Office of Environmental Health Hazard Assessment (OEHHA) and California Environmental Protection Agency (CalEPA). While CalEnviroScreen can assist CalEPA in prioritizing resources and helping promote greater compliance with environmental laws, it is important to note some of its limitations. The tool's output provides a relative ranking of communities based on a selected group of available datasets, through the use of a summary score. Unlike the Health Risk Assessment (HRA) prepared for the Project, the CalEnviroScreen score is not an expression of health risk, and does not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment. Accordingly, CalEnviroScreen is not intended to be used as a health or ecological risk assessment for a specific area or site.

An Air Quality Emissions Impact Analysis and a Health Risk Assessment were prepared for the proposed Project and incorporated into the EIR. These analyses determined that the Project's localized impacts (i.e., impacts to sensitive receptors) would be less than significant. Localized Significance Thresholds were developed in response to environmental justice and health concerns raised by the general public regarding exposure of individuals to criteria pollutants in local communities. Additionally, the HRA prepared for the Project quantified risk levels at nearby sensitive receptors and determined that impacts would be less than significant. No further response is required.

- 02.12** The commenter states that the Project's census tract is a diverse community including 45% Hispanic, 16% African-American residents, and 15% Asian residents. The commenter also states that 17% of the children are under age 10 which are especially vulnerable to the impacts of pollution and that 54% of the population over 25 has a high school education. Refer to paragraph 3 under Comment 11. No further response is required.
- 02.13** As stated on page 4.3-10 of the Draft EIR, no evidence of BUOW was found in the survey area and no individuals were observed. No burrows of appropriate shape, size or aspect for BUOW or BUOW pellets, feathers or whitewash were found on the Warehouse site. Therefore, BUOW were

considered absent from the Warehouse site at the time of the surveys. Additionally, MM-BIO-5 would require a preconstruction clearance survey for nesting birds, as well as BUOW, in the event that ground disturbance and vegetation removal associated with the Project cannot occur outside of the nesting season. Additionally, refer to Section 3.0, *Errata*, of this Final EIR for additional clarification to MM BIO-5.

- O2.14** The commenter repeatedly refers to issues identified in the 2012 report. The Biological Resources Assessment was prepared in July 2019 for the warehouse site and for the RUR sites in 2020. As such, no further response is possible.
- O2.15** The comment confuses the energy analysis in the Draft EIR for a California Title 24 energy efficiency compliance analysis. Section 4.5 (Energy) of the Draft EIR explains that the analysis is conducted in compliance with State CEQA Guidelines Section 15126.2(b), Section 15126.4 (a)(1)(C), and Appendix F (refer to Draft EIR pages 4.5-1 and 4.5-10). CEQA requires EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary use of energy caused by a project. CEQA does not require projects to be analyzed for compliance with California Energy Code Title 24, Part 6 standards, as incorrectly suggested in the comment. Compliance with the Title 24 would be verified by the City through permitting process. The plan check process involves verifying code compliance (including a Title 24 energy analysis) before building permits can be issued. Therefore, revised modeling is not required to determine if the Project would meet CEQA standards.
- O2.16** As shown in Table 4.7-3 of the Draft EIR, the Warehouse site would generate approximately 2,857 MTCO₂e annually from both construction and operations, not just construction as alluded to by the commenter. Related GHG emissions would not exceed the City's 3,000 MTCO₂e per year threshold.
- O2.17** As described in detail beginning on page 3.0-13 of the Draft EIR, the Project also includes many discretionary approvals and actions, including, but not limited to, a General Plan Amendment, Zone Change, and Zoning Text Amendment. All of these actions are required to bring the proposed Project into compliance with the City's land uses, including allowing for the development of the proposed Project in a Light Industrial zone. Refer to Chapter 3.0 of the Draft EIR for additional information on the Project's discretionary approvals.
- O2.18** The City respectfully disagrees with the commenter. The use of the warehouse building is what determines whether it is a light or heavy industrial use, not just the size. The proposed uses for the Project are consistent with the Light Industrial zone. Additionally, refer to Response O2.17, above.
- O2.19** The commenter is incorrect. In the case of the proposed Project the Warehouse site would be rezoned to I-L (light industrial). The Malaga and Palmetto sites would be upzoned to Form-Based Code (FBC) – Transitional District, and Residential Medium Density (R-2), respectively. As such, the warehouse site would not be zoned Regional Mixed Use.

- 02.20** The City has determined that the use of the EnergyStar employee rates is consistent with assumptions for other warehouses in the City of Fontana.
- 02.21** The employment density study referenced in the comment was prepared in 2001, which uses data from research conducted prior to the current prevalence of automation in warehousing buildings, no longer provides valid information. Therefore, the recommendation that the analysis should be conducted using the 2001 SCAG study is flawed.
- 02.22** At the time the TIA was prepared, it was assumed that Casa Grande Ave would be connected as a through street into Rialto. It was understood that trucks would not be able to go eastbound on Casa Grande Ave, but passenger vehicles would be permitted to do so. Redistribution of project trips from east Casa Grande Ave, which equates to 10% of passenger vehicle trips or 5 total trips in both the AM and PM peak hours, is not expected to cause additional significant impacts to study intersections. Background traffic at study intersections were not reduced due to this assumption; therefore, the traffic analysis is conservative. All trucks were assumed to travel westbound towards Sierra Avenue in the traffic analysis.
- 02.23** Based on the City of Fontana's Draft TIA Guidelines (March 2015), "the traffic impact analysis shall include all intersections with more than 50 peak hour project trips." The Project would not add more than 50 peak hour trips to the suggested intersections noted in the comments. At the intersection of Sierra Ave at Summit Ave, most of the project traffic would be NB through and SB through volumes, which are not critical movements at this intersection; therefore, the City did not require this intersection to be added to the study area during the scoping process. A TIA Scoping Agreement for the Project, which includes the study area, was approved by City staff.
- The Draft TIA guidelines also mention that "freeway segments with more than 100 two-way peak hour project trips will require analysis and analysis of freeway merge-diverge operations will be required if there are more than 50 peak hour trips entering (or exiting) the freeway." Based on the TIA, less than 25 two-way trips are expected on a freeway segment; therefore, no freeway segment or merge-diverge analysis is required.
- 02.24** Based on input from City staff, traffic from the 2 Cumulative Projects in the vicinity of the study area were manually added. The growth rate of 2% per year was applied in addition to the 2 Cumulative Projects to account for the other Cumulative Projects.
- 02.25** The City respectfully disagrees with the commenter that the Draft EIR needs to be recirculated.

Comment Letter P1 - Rami Asad

Comment Letter P1

From: [Cecily Session-Goins](#)
To: [Cano, Kari](#)
Subject: Fw: Sierra Casa Grande Warehouse
Date: Monday, July 13, 2020 8:03:20 AM

Cecily Session-Goins

Assistant Planner • Community
Development

City of Fontana • 8353 Sierra
Ave • Fontana, CA 92335

CSGoins@fontana.org • Office:
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From: Rami Rami <rmmi2002@yahoo.com>
Sent: Thursday, July 9, 2020 6:18 PM
To: Cecily Session-Goins <CSGoins@fontana.org>; Planning Comments
<planningcomments@fontana.org>
Subject: Sierra Casa Grande Warehouse

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EMAIL SYSTEM
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Hello Mrs. Goins,

My name is Rami Asad and I'm a Rialto resident but a Fontana property owner. I received a letter for a warehouse on Sierra and casa grande. I would like to ask the City to please DENY the development as this property is zoned for multi family residential NOT warehouse use. This warehouse will be too close to our homes and schools. This warehouse doesn't belong in the area as it will have homes west, East and north of it.

The City has a zoning ordinance for this reason to keep warehouses in the proper location.

Again I would like to as you to please help us stop this warehouse from developing in between our homes.

Rami Asad

Sent from the road!

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Response to Comment Letter P1 - Rami Asad

P1.1 While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR. **P1.2** As described in detail beginning on page 3.0-13 of the Draft EIR, the Project also includes many discretionary approvals and actions, including, but not limited to, a General Plan Amendment, Zone Change, and Zoning Text Amendment. These discretionary actions would make the proposed Project consistent with land uses.

P1.3 While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.

Comment Letter P2 - Ben Medina

Comment Letter P2

From: [Cecily Session-Goins](#)
To: [Cano, Kari](#)
Subject: FW: Warehouse Project
Date: Wednesday, July 15, 2020 8:37:55 AM

Cecily Session-Goins

Assistant Planner • Community
Development

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From: Planning Comments <planningcomments@fontana.org>
Sent: Tuesday, July 14, 2020 5:05 PM
To: Cecily Session-Goins <CSGoins@fontana.org>
Cc: Orlando Hernandez <ohernandez@fontana.org>; Zai AbuBakar <ZAbuBakar@fontana.org>
Subject: FW: Warehouse Project

FYI

Planning Comments

City of Fontana • •,
planningcomments@fontana.org • Office:



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From: Ben Medina <blmedina_bbom@yahoo.com>
Sent: Tuesday, July 14, 2020 11:49 AM
To: Planning Comments <planningcomments@fontana.org>
Subject: Warehouse Project

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Dear Sirs,
Please do not allow another warehouse to be built near our residential community. If you actually care about the people in our community please allow a grocery store and other stores that are so much more

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needed for the benefit of the people of the community. And please make a motion to open up Casa Grande to Sierra Ave. We will remember you come election day.

Sincerely,
Ben Medina

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Response to Comment Letter P2 - Ben Medina

P2.1 While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.

Comment Letter P3 - Diana Cevallos-rodriguez

Comment Letter P3

From: Diana Cevallos-rodriguez <dcevallosrodriguez7172@panther.chaffey.edu>
Sent: Tuesday, July 14, 2020 11:02 PM
To: Planning Comments <planningcomments@fontana.org>
Subject: Sierra and Casa Grande Ave warehouse project

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June 14, 2020

**Re: Public Hearing Notice and Notice of Availability of a Draft Environmental Impact Report (SCH# 2019070040)
Sierra Avenue and Casa Grande Avenue Warehouse Project EIR**

City Planners,

I am writing to oppose the above-mentioned warehouse that is in the planning stages of being built in a residential zone in the middle of several homes. The warehouse does not belong in a multi-residential zoning location and I would like to dispute the zone change from RESIDENTIAL to INDUSTRIAL. In addition, our community will incur additional traffic, emission issues and difficulty getting into our community

Thank you for your consideration to my objections.

Name
Diana Cevallos

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Response to Comment Letter P3 - Diana Cevallos-rodriguez

P3.1 Refer to Response P1.2, above for a discussion on the Project's land use and zoning designation changes. Additionally, the Draft EIR fully discloses potential traffic, circulation, and greenhouse gas emissions impacts of the proposed Project.

Comment Letter P4 - Heba Darjbara

Comment Letter P4

From: [Cecily Session-Goins](#)
To: [Cano, Kari](#)
Subject: FW: Case Grande Warehouse
Date: Wednesday, July 15, 2020 8:37:11 AM

Cecily Session-Goins
Assistant Planner • Community Development
City of Fontana • 8353 Sierra Ave • Fontana, CA 92335
CSGoins@fontana.org • Office: (909) 350-6723

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From: Heba <hebaasad3@yahoo.com>
Sent: Tuesday, July 14, 2020 9:44 PM
To: Planning Comments <planningcomments@fontana.org>
Cc: Cecily Session-Goins <CSGoins@fontana.org>
Subject: Case Grande Warehouse

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Hello,

My name is Heba Darjbara. I see that there's a public notice to build a warehouse on Sierra ave and casa grande. I would like to start with this is a complete disappointment. The new homes across the street from this proposed project are selling at \$679k and now we are thinking of allowing this developer to add a warehouse between these homes. There are homes west, East and north of this property. This warehouse doesn't need to be built here. Please keep this property for homes NOT warehouses.

Thank you.
Heba

Sent from my iPhone

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Response to Comment Letter P4 - Heba Darjbara

P4.1 While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.

Comment Letter P5 - Jeanie

Comment Letter P5

From: [Cecily Session-Goins](#)
To: [Cano, Kari](#)
Subject: Sierra and Casa Grande DEIR
Date: Thursday, July 23, 2020 8:55:29 AM

Hi Kari,

Here is the summary of the conversation I had with a property owner near the Palmetto site on Tuesday:

7/21/20 – Jeanie – owner of 17362 Valencia Avenue - (951) 226-6020 – Asked about potential development. Was not opposed to the rezoning of the replacement site since it could spark more development in the area in the future.

Also, regarding the Facts and Findings, I'm waiting for DiTanyon to get back to me. Once he does, I will get that information over to you.

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Cecily Session-Goins

Assistant Planner • Community
Development

City of Fontana • 8353 Sierra
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Response to Comment Letter P5 - Jeanie

P5.1 While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.

Comment Letter P6 - Robert Constant – Fontana Stakeholder

Comment Letter P6

To Cecily Sessions-Goins,

In times like these, I find inspiration from my faith. As was written in Philippians 2:4 “Each of you should look not only to your own interests, but also the interests of others.” Now that we are fully into examining the science of COVID-19, I would like to know how the City of Fontana is responding to protecting the community’s health in terms of future development. What changes have been put in place to steer not only Casa Grande, but every future project in Fontana, post COVID-19? What policies have been written down to guide city planning? For the health and safety of the community, policy can no longer be “make it up as you go along”.

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In addition to COVID-19, there have been several large fires at warehouses in the Inland Empire this summer. When these properties burn, they burn fast and furiously with 100% loss. With the amount of material that burns, both from the structure and warehoused goods stacked high to the ceiling, they are like giant volcanoes being built in our community.

To that end, I would like you to address two aspects of city planning that have not been discussed in any planning or council meetings: how can the community be reassured that our leaders will keep us safe from both incompetence and malevolence? As a Christian, I must speak my faith, and with Fontana approving the building of 21st century volcanoes among our most vulnerable citizens, what protections have been put in place to defend against the ungodly temptation to breach the Fontana community’s duty of care?

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I’m not a lawmaker, but I am a citizen who is a Christian. So please enlighten me with the law that guides our business,

religious, and political leaders who threaten our health and lives with the building of dangerous structures that have the potential to become volcanoes, and yet do not have to deal with the consequences of those actions. It cannot be the sole burden of health care workers, first responders, essential workers, and the Fontana community at large who are doing their part to contain and deal with the fallout of these multi-acre developments.

Fontana’s political establishment is not amusing with their ignorance. They are dangerous. The threat to our well-being comes from people who think it’s just fine to make our environment sick in order to drive home their political points and line their pockets with money; their heads with “power”.

The resulting helplessness that the community faces now and into the foreseeable future further compounds the moral issues I have outlined above. A scientist in a recent New York Times article about the warehouse developments in the Inland Empire said it simply and succinctly: “Where you live, work, and play determines your health.” It is plainly evident health issues are critical. An environment of volcanoes is what has been built. What policies are in place to protect us from getting burned?

I worry, because as another quote from the New York Times article states “What these developers and industry folks make you feel is hopeless,” said Anthony Victoria, spokesman for the nonprofit [Center for Community Action and Environmental Justice](#). “Like you’ve got no other option but that low-wage warehouse job or that mobile home in that neighborhood by the railroad.”

Again, as a Christian, I am politely demanding evidence of written policy, because my faith demands it. At the same time,

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my faith in God extends to my faith in mankind and science. To quote one of the scientists whose perspective on the universe has long incorporated faith, Dr. Carl Sagan:

“One of the saddest lessons of history is this: If we’ve been bamboozled long enough, we tend to reject any evidence of the bamboozle. **We’re no longer interested in finding out the truth. The bamboozle has captured us.** It’s simply too painful to acknowledge, even to ourselves, that we’ve been taken. Once you give a charlatan power over you, you almost never get it back...

I have a foreboding of an America in my children's or grandchildren's time -- when the United States is a service and information economy; when nearly all the manufacturing industries have slipped away to other countries; when awesome technological powers are in the hands of a very few, and no one representing the public interest can even grasp the issues; when the people have lost the ability to set their own agendas or knowledgeably question those in authority; when, clutching our crystals and nervously consulting our horoscopes, **our critical faculties in decline, unable to distinguish between what feels good and what's true, we slide, almost without noticing, back into superstition and darkness...**

The dumbing down of American is most evident in the slow decay of substantive content in the enormously influential media, the 30 second sound bites (now down to 10 seconds or less), lowest common denominator programming, credulous presentations on pseudoscience and superstition, **but especially a kind of celebration of ignorance.**

— *Carl Sagan, quote from [The Demon-Haunted World: Science as a Candle in the Dark](#)*”

The Constants have been owners of their North Sierra Avenue

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property for almost 60 years. At that time the area was totally undeveloped. But we were confident that the area would develop and would be a safe source of income during our retirement years. The time has come for us to develop our property and we do not want it to lose its value because of the area becoming highly industrialized with warehouses or other similar volcano-like uses.

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Back in 2013, Fontana approved the first warehouse to be built near the Constant's property. I, as a part owner, objected to that project because of its negative impacts. That project's EIR, along with Casa Grande's state clearly that the pollution impact would be "significant" with "...no mitigation measures exist that would reduce these emissions to levels that are less-than-significant". That EIR has been proved to be true and something should be done to reverse the trend.

The second warehouse near the first one added more pollution. Then a third warehouse was added to the collection. And now a fourth warehouse is proposed. As more warehouses are built, the situation becomes even worse. Not only are the existing negative impacts becoming worse, additional problems arise. For example, because of the increase number of the trucks, new roads and existing roads away from the warehouse need to be widened. Has Fontana considered such future needs? New safety and several other issues are also problems. We recommend that Fontana's Planning and Building and Safety Departments study and document the impacts of existing and future warehouses, along with future needs.

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Fontana's rush to approve another massive warehouse on Sierra and Casa Grande Avenues is so harmful to its residents and property/business owners, it should be halted as soon as possible.

Therefore, I will vigorously oppose its going forward.

Fontana does not need another warehouse Environmental Impact Report (EIR). It has received several such reports on previously approved projects and all of these EIRs have stated that these projects have “significant and unavoidable impacts” which cause major impacts on peoples’ health, and the degradation of citizens’ quality of life. The mitigation methods implemented have been ineffective. Yet in spite of all these problems the City has approved the construction of these undesirable projects. It is time for Fontana to reconsider its unwise and harmful decisions.

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In the past I have noticed that Fontana employees have closely coordinated with the developers of the project to be developed. Those employees have made certain agreements with the developer **prior to the approval** of the project and therefore are not independent and should not be the same as those who review and approve the project, the insurance, and the financing of these volcanoes. There seems to be glaring conflicts of interest between all parties and the community they serve.

The proposed warehouse will require 16.76 acres. Some 91% of this parcel will be covered by the building, paved driveways and paved parking lots. Less than 9% will be used for landscaping. It does not require a genius to conclude that such a project will have major adverse impacts on aesthetics, air pollution, quality of life, biological resources, hydrology, noise, climate effects, and traffic congestion. The project will cause citizen stress/annoyance/delays/health problems; it will reduce safety, produce light pollution, reduce property values, reduce shopping convenience, reduce quality of life. This is yet another volcano under construction in the city.

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As the New York Times’ article states, people are moving away because of these volcanos that have been built next to their single-family homes. This project will cause desirable people and businesses to move out or avoid the city and destroy Fontana’s reputation as a desirable city to live or do business. A volcano greatly reduces the value of commercial and residential properties and established businesses. Many other negative impacts can be added to the list. The list above is the basis of my current objections to this project.

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This project does not satisfy the intent of the recently enacted CA Housing Crisis Act of 2019, which requires the building of more housing. This warehouse project eliminates residential zoning uses and replaces it with an industrial use. The solution proposed is to replace the lost residential sites with what is called, euphemistically, as RURS (“Residential Unit Replacement Sites). This is no solution at all; it eliminates residential building sites but does not create any new sites. An example of a satisfactory and valid solution is to take an existing volcano/warehouse, demolish it and rezone the property for residential uses.

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In addition, RURS require dense zoning. How does the city’s plan take density into account considering COVID-19 science?

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The existing project proposes two disconnected areas for the RURS. This creates new problems that would require two additional EIRs, with the potential time delays, and legal expenses if citizens objection arise. Preparing the EIRs is expensive for both the developer and Fontana, a time-consuming activity and potentially causes great time delays in starting the any project. It is not clear in the NOP as to who pays for these EIRs. My suggestion is that this project not be approved until all concerns are resolved. This project is too important for the future

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of Fontana and its approval should not be rushed.

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Originally the northeast area of Fontana was envisioned as being for residential and retail business uses. But Fontana created an overlay zone that allowed for industrial and manufacturing uses. This overlay zone of volcanos has subsumed and damaged the retail zoned properties of the area. The overlay zoning should be repealed by the City (by injunction, if necessary) to stop further damage caused by the poorly planned overlay zone.

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Fontana has justified the approval of warehouses as job creators. It is now time to evaluate the results of their actions. The City needs to bring some facts to the table:

- a. How many jobs do the volcanos create?
- b. Are those jobs safe?
- c. How many of those jobs are held by Fontana residents?
- d. What is the salary of those jobs?
- e. What is the cost to the city to provide police, street maintenance, fire and other services for the volcanos?
- f. Are those city employees safe?
- g. How much tax is collected from each warehouse to compensate the City for the services which each warehouse receives?
- h. Are those numbers equal? Has there been an audit?
- i. What have been the costs, problems, and benefits resulting from the warehouses?
- j. Have the benefits promised in previously approved warehouses been achieved?
- k. Has an economic impact report been prepared?
- l. How far from the warehouse do employees live?
- m. How many trucks a day go in and out of each warehouse?

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Fontana needs answers to these questions, and more, in order to make informed decisions. Please respond to each of the above in detail.

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Fontana should realize that residential zoning also creates jobs. We now live in a service economy rather than in a 19th Century manufacturing or industrial environment. A close examination may reveal that residential zones create more and better jobs than industrial zoning. Many people now work from their homes. The incomes of plumbers, barbers, realtors, gardeners, doctors, lawyers, teachers, artists and many other professional and craftsmen depend on the services required by residential customers. It's not too much to ask for accountability.

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It should also be realized that residential zones bring large revenues from property, income, and other taxes. Warehouses do not do the same. In fact, warehouses depress values of neighboring properties, and may result in smaller revenues overall, taking health and safety as an added factor.

The proposed warehouse project will eliminate 219 housing sites. If 219 housing units were built, governmental agencies could collect millions of dollars. If Fontana continues to allow for more warehouses to be built, then existing property values will fall, and the revenues collected will also decrease. Fontana should strive for a balanced economy. Warehouses should be built only in areas that do not harm other sectors of the City. Though that may be difficult, as no one wants a volcano in their neighborhood. That is why an **economic impact report is essential** for the decision-makers in government.

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City of Fontana officials have the responsibility to create a

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modern, well planned, city of the future. I don't think the city is meeting its responsibilities. In spite of its growth (and now, even according to the New York Times), Fontana is not considered by many to be a desirable city to move into. Fontana should have moved mountains to get the Kaiser-Permanente medical college. That would have been a good job creator for the city. Fontana needs to improve its image and that could happen with the right leadership with good ideas, good planning, and that starts with good zoning. Approving volcanos is not good use of zoning. Fontana ought to look into its progressive neighbors, such as Rancho Cucamonga, for what they need to do to improve.

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Approving more warehouses will not improve Fontana's image. I can't think of a single major company that is willing to locate its headquarters or flagship store in Fontana. Now should be the time to find one.

To that end, I would appreciate getting answers to the following additional questions. These are the type of questions I planned to ask at the now cancelled meetings that were scheduled to be held in March 2020, but due to COVID-19, could not do so in-person:

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1. Now that the Fontana City government is shut down due to COVID-19, what is happening within the City with the Sierra/Casa Grande Warehouse Project?

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2. The March 18, 2020 "Scoping" and the March 24, 2020 "Amended Notice of Draft EIR Preparation" meetings were cancelled due to Covid-19 epidemic. Will more meetings be held in the future when the City reopens after COVID-19? Or are these projects being approved under cover of COVID-19?

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3. What other future public hearings or meetings are planned?

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4. On March 12, 2020 David Hubbard sent you a letter that identified several issues. Do you or anyone else in the City plan

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to respond to Mr. Hubbard’s letter?

5. On March 18, 2020 Nikos Constant sent you an email identifying some additional issues. Do you or anyone else in the City plan to respond to Mr. N. Constant's email?

6. The 2 documents cited in 4. and 5. above were also copied to several other high City officials, such as the Mayor and City Council. Did you receive any comments from these and other individuals?

7. What criteria were used in the selection of the proposed two “Residential Unit Replacement Sites”?

8. Were economic and environmental evaluations and tradeoffs done for the proposed two “Residential Unit Replacement Sites”?

9. What other replacement sites were considered? A logical replacement site would be to take the take a portion of the industrial zoned “Overlay Zoned” properties just south of the proposed “Warehouse” and rezone it into residential uses.

10. What impact will COVID-19 have on the Sierra/Casa Grande Warehouse Project?

Please answer all of my question, outlined above, with the following considerations:

1. Quality of life degradation due to large number of semi-trucks, frustration due to delays, traffic jams, accidents, noise, fumes, etc.

2. Large number of warehouses/trucks on the Rialto side impact Fontana side, how are we treating our neighbors?

3. Encroachment to schools, how are we treating our community’s future?

4. Encroachment to residential housing on both Fontana and Rialto sides, again, how are we treating our neighbors?

5. Pedestrian blockage by volcanos? Is it safe to walk by these volcanos?

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6. How do these projects meet ADA standards and exceed them?
7. Are there future considerations of extending Casa Grande into Rialto? There should be no surprises.
8. Is there any pressure to extend any other street into Rialto?
9. Where is the evidence of coordination with Rialto?
10. What tax benefits or other benefits does Fontana give to the developers? Are they warranted? Are they legal?
11. What restriction agreements exist between Fontana and the developers? Fontana should quantify the trending of worsening impacts and provide written responses, by subpoena, if necessary.

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Thank you for your time in this matter. It brings to mind a passage from Isaiah and also a passage from Philippians:

"Oh that thou wouldest rend the heavens, that thou wouldest come down, that the mountains might flow down at thy presence, **2** As *when* the melting fire burneth, the fire causeth the waters to boil, to make thy name known to thine adversaries, *that* the nations may tremble at thy presence! **3** When thou didst terrible things *which* we looked not for, thou camest down, the mountains flowed down at thy presence." [Isaiah 64:1-3](#)

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“ Each of you should look not only to your own interests, but also the interests of others.” Philippians 2:4

May God have mercy on all of us and enlighten us with care and consideration for one another.

Sincerely,
Robert Constant
Fontana Stakeholder

Response to Comment Letter P6 - Robert Constant – Fontana Stakeholder

- P6.1** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.2** The Draft EIR discloses potential fire impacts. Refer to Chapters 4.13 and 4.16 of the Draft EIR.
- P6.3** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.4** The Draft EIR fully discloses emissions and health risk impacts. Refer to Chapters 4.2 and 4.7 of the Draft EIR.
- P6.5** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.6** The Draft EIR fully discloses all potential impacts associated with the proposed Project, including aesthetics, air quality, biological resources, hydrology, noise, climate change, and traffic.
- P6.7** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.8** The City respectfully disagrees with the commenter. The Project fully complies with the Housing Crisis Act of 2019 by finding replacement sites for the residential units that the warehouse Project would displace. As it specifically pertains to the proposed Project and the proposed zone change, with a few exceptions, SB 330 bill prohibits a jurisdiction from changing the current zoning and land use designations in the general plan that would reduce the density of the use. For example, a jurisdiction cannot downzone a site from residential to another type of use or make changes, such as decreasing structure height limits or increasing setbacks, that would lessen the number of units that could be built on a given site.

The upzoning of the Malaga and Palmetto sites associated with the proposed Project would enable higher density uses on the potential redevelopment sites. Although they would be different in scale and density, the potential residential components, which would be permitted based on both the amended FCGP designation and zone change would be permitted uses in the areas. In addition, consistent with the overall intent of the FCGP, redevelopment of the sites, should it occur, would provide residents access to major transportation corridors, mass transit,

and fulfill the increased demand for higher density residential uses. All proposed uses would be within the allowable dwelling density of units per acre.

- P6.9** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.10** The Draft EIR fully disclosed impacts associated with the future development of the RUR sites.
- P6.11** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, these comments do not pertain to a specific environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.12** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, jobs created by all warehouse projects in the City of Fontana are not analyzed in the EIR. As identified on page 4.12-12 of the Draft EIR, the proposed Project would create temporary new construction jobs and approximately 188 new permanent jobs
- P6.13** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, job safety is not considered an environmental impact under CEQA and therefore are not analyzed in the EIR. It should be noted however that the business owner would be required by law to comply with all OSHA safety standards and safety laws enacted at the time of Project opening.
- P6.14** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, jobs held by Fontana residents are not considered an environmental impact under CEQA and therefore are not analyzed in the EIR.
- P6.15** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, salaries are not considered an environmental impact under CEQA and therefore are not analyzed in the EIR.
- P6.16** Potential public Services and Utilities impacts for the proposed Project were fully disclosed in the Draft EIR. Refer to Chapter 4.13 and 4. 15, respectively.
- P6.17** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, job safety is not considered an environmental impact under CEQA and therefore are not analyzed in the EIR. It should be noted however that the City is required by law to comply with all OSHA safety standards and safety laws enacted at the time of Project opening.

- P6.18** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, tax collection is not considered an environmental impact under CEQA and therefore are not analyzed in the EIR.
- P6.19** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, tax collection and audits are not considered an environmental impact under CEQA and therefore are not analyzed in the EIR.
- P6.20** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, costs associated with development of warehouse projects are not considered an environmental impact under CEQA and therefore are not analyzed in the EIR. The Draft EIR fully discloses potential environmental impacts associated with the development of the proposed Project.
- P6.21** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, benefits associated with development of warehouse projects are not considered an environmental impact under CEQA and therefore are not analyzed in the EIR. The Draft EIR fully discloses potential environmental impacts associated with the development of the proposed Project.
- P6.22** An Economic Impact Report has not been prepared for the proposed Project.
- P6.23** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, the driving distance for each employee to each warehouse located within the City of Fontana is not known. With respect to the proposed Project, the driving distance is not known at this time because the Project is not developed and employees have not been hired.
- P6.24** As identified on page 4.14-15 of the Draft EIR, truck trips were assumed to account for approximately 20.43% (o 118 trips) of the daily trips of which approximately 17% are two-axle trucks, 23% are three-axle, and 60% are four-axle. These
- P6.25** The aforementioned comments have been responded to fully above.
- P6.26** Refer to Response P6.12 with respect to jobs created by the proposed Project.
- P6.27** The displacement of the potential residential units located on the warehouse site was fully analyzed in the Draft EIR.
- P6.28** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, impacts associated with other development within the City are not considered an environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.29** The City has held all meetings associated with the Project virtually due to the ongoing COVID-19 pandemic.

- P6.30** The City is continuing to process the application for the proposed Project in a normal fashion, except for holding public meetings in person.
- P6.31** At this time, it is anticipated that future meetings for the proposed Project will be held virtually but is subject to change to in-person should it be deemed appropriate by the County Health Department.
- P6.32** Both a Planning Commission Hearing and a City Council Hearing will be held for the proposed Project. Notifications for these hearings will be conducted via the City's regular noticing processes.
- P6.33** Comments received during the NOP process were responded to via the analysis in the Draft EIR if the comment pertained to environmental impacts.
- P6.34** Comments received during the NOP process were responded to via the analysis in the Draft EIR if the comment pertained to environmental impacts.
- P6.35** No additional comments were received with respect to the two letters identified within this comment.
- P6.36** The RUR sites were chosen based on a variety of factors, including ability to accommodate the number of replacement units needed, development surrounding the sites, as well as current zoning of the sites.
- P6.37** Environmental impacts associated with the upzoning of the RUR sites is fully disclosed in the Draft EIR. The Draft EIR does not evaluate economic conditions. However, your comment will be taken into consideration by decision-makers.
- P6.38** Refer to Response P6.36.
- P6.39** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, impacts associated with COVID-19 are not considered an environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.
- P6.40** The Draft EIR prepared for the proposed Project fully discloses impacts relative to traffic, fire, schools, and land uses. The City of Rialto has been notified that the City of Fontana is considering the proposed Project. The City of Fontana is actively coordinating with the City of Rialto.
- P6.41** While the City understands the commenter's concerns and will consider them in making a final determination on the Proposed Project, the comment does not contain information that is considered an environmental impact under CEQA for the proposed Project and therefore are not analyzed in the EIR.

Section 3.0 Errata to the Draft EIR

3.1 INTRODUCTION TO THE ERRATA

The Draft EIR for the Sierra Avenue and Casa Grande Avenue Warehouse Project dated June 2020, is hereby incorporated by reference as part of the Final EIR. Changes to the Draft EIR are further detailed below.

The changes to the Draft EIR do not affect the overall conclusions of the environmental document, and instead represent changes to the Draft EIR that provide clarification, amplification and/or insignificant modifications, as needed as a result of public comments on the Draft EIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant Draft EIR recirculation pursuant to CEQA Guidelines Section 15088.5.

None of the changes or information provided in the comments reflect a new significant environmental impact, a substantial increase in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. In addition, the changes do not reflect a fundamentally flawed or conclusory Draft EIR.

Changes to the Draft EIR are listed by Section, page, paragraph, etc. to best guide the reader to the revision. Changes are identified as follows:

- Deletions are indicated by ~~strikeout text~~.
- Additions are indicated by underline text.

3.2 CHANGES TO THE DRAFT EIR

Page 4.2-41, Second New Paragraph

MM-AQ-3 In order to reduce future project-related air pollutant emissions and promote sustainability through conservation of energy and other natural resources, building and site plan designs shall ensure the project energy efficiencies surpass (exceed) applicable (2016) California Title 24 Energy Efficiency Standards by a minimum of 5%. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant/developer and reviewed and approved by the City of Fontana prior to the issuance of the first building permit.

MM-AQ-4 To reduce energy demand associated with potable water conveyance, future projects shall implement the following, as applicable: ·Landscaping palette emphasizing drought tolerant plants ·Use of water-efficient irrigation techniques U.S. Environmental Protection Agency (EPA) Certified WaterSense equivalent faucets, high-efficiency toilets, and water-conserving shower heads.

- MM-AQ-5** Future projects shall comply with applicable provisions of state law, including the California Green Standards Code (Part 11 of Title 24 of the California Code of Regulations).
- MM-AQ-6** The applicant/developer shall encourage its tenants to use alternative-fueled vehicles such as compressed natural gas vehicles, electric vehicles, or other alternative fuels by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on alternative fuel technologies.
- MM-AQ-7** To promote alternative fuels and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to the Southern California Air Quality Management District's (SCAQMD) Carl Moyer Program or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant heavy-duty vehicles, and information about the health effects of diesel particulates, the benefits of reduced idling time, California Air Resources Board regulations, and the importance of not parking in residential areas. If trucks older than 2007 model year would be used at the project site, the developer/successor-in-interest shall encourage tenants, through contract specifications, to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 18, VIP [On-Road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-In for NOx] funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.
- MM-AQ-8** The applicant/developer shall encourage its tenants to use water-based or low volatile organic compound (VOC) cleaning products by providing publicly available information from the Southern California Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and U.S. Environmental Protection Agency (EPA) on such cleaning products.
- MM-AQ-9** All on-site forklifts shall be non-diesel and shall be powered by electricity, compressed natural gas, or propane if technically feasible.
- MM-AQ-10** All construction equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained as per the manufacturer's specification. Maintenance records shall be available at the construction site for City of Fontana verification. The following additional measures, as determined applicable by the City Engineer, shall be included as conditions of the Grading Permit issuance: -Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. -Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. -Reroute construction trucks away from congested

streets or sensitive receptor areas. ·Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation. ·Improve traffic flow by signal synchronization and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers’ specifications. ·Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements. ·During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following: -January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. - Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tie. 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved. by a Level 3 diesel emissions control strategy for similarly sized engine as defined by CARB regulations. -A copy of each unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. Project proponent Before and during construction Document compliance with City.

MM-AQ-11 Prior to the issuance of any grading permits, all Applicants shall submit construction plans to the City of Fontana denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City Planning Staff. Project proponent Before construction Submit construction documents to City for approval.

MM-AQ-12 All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Specifically, the following measures shall be implemented, as feasible: ·Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113. ·Construct or build with materials that do not require painting. ·Require the-use of pre-painted construction materials. Project proponent Before and during construction Document compliance with City.

MM-AQ-13 Projects that result in the construction of more than 19 single-family residential units, 40 multifamily residential units, or 45,000 square feet of retail/commercial/industrial space

shall be required to apply paints either by hand or high volume, low pressure (HVLP) spray. These measures may reduce volatile organic compounds (VOC) associated with the application of paints and coatings by an estimated 60 to 75 percent. Alternatively, the contractor may specify the use of low volatility paints and coatings. Several of currently available primers have VOC contents of less than 0.85 pounds per gallon (e.g., Dulux professional exterior primer 100 percent acrylic). Top coats can be less than 0.07 pounds per gallon (8 grams per liter) (e.g., Lifemaster 2000-series). This latter measure would reduce these VOC emissions by more than 70 percent. Larger projects should incorporate both the use of HVLP or hand application and the requirement for low volatility coatings. Project proponent During construction Document compliance with City.

MM-AQ-14 All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108. Project proponent Before and during construction Document compliance with City.

MM-AQ-15 Prior to the issuance of grading permits or approval of grading plans for future development projects within the project area, future developments shall include a dust control plan as part of the construction contract standard specifications. The dust control plan shall include measures to meet the requirements of SCAQMD Rules 402 and 403. Such measures may include, but are not limited to, the following: ·Phase and schedule activities to avoid high-ozone days and first-stage smog alerts. ·Discontinue operation during second-stage smog alerts. ·All haul trucks shall be covered prior to leaving the site to prevent dust from impacting the surrounding areas. ·Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. ·Moisten soil each day prior to commencing grading to depth of soil cut. ·Water exposed surfaces at least twice a day under calm conditions, and as often as needed on windy days or during very dry weather in order to maintain a surface crust and minimize the release of visible emissions from the construction site. ·Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation. ·Wash mud-covered tires and under carriages of trucks leaving construction sites. ·Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites. ·Securely cover all loads of fill coming to the site with a tight-fitting tarp. ·Cease grading during periods when winds exceed 25 miles per hour. ·Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance. ·Use low-sulfur diesel fuel in all equipment. ·Use electric equipment whenever practicable. ·Shut off engines when not in use. Project proponent Before and during construction Submit Dust Control Plan to City for approval.

MM-AQ-16 All industrial and commercial facilities shall post signs requiring that trucks shall not be left idling for prolonged periods pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than five minutes.

MM-AQ-17 The City of Fontana shall require that both industrial and commercial uses designate preferential parking for vanpools.

MM-AQ-18 The proposed commercial and industrial areas shall incorporate food service.

MM-AQ-19 All industrial and commercial site tenants with 50 or more employees shall be required to post both bus and MetroLink schedules in conspicuous areas.

MM-AQ-20 All industrial and commercial site tenants with 50 or more employees shall be requested to configure their operating schedules around the MetroLink schedule to the extent reasonably feasible.

MM-AQ-21 All residential, commercial, and industrial structures shall be required to incorporate light colored roofing materials.

Page 4.3-27, Third Paragraph

MM-BIO-2 Prior to ground-disturbing activities, focused small mammal surveys shall be conducted by a qualified biologist on the Warehouse site. Surveys for San Bernardino Kangaroo Rat/Los Angeles Pocket Mouse (SBKR/LAPM) will follow United States Fish and Wildlife Service (USFWS) protocol for live mammal trapping by permitted biologists. Live trapping will be conducted over five (5) consecutive nights if no target species are captured. Trapping shall be terminated if a target species is trapped prior to the fifth night, and the entire Project site shall be presumed occupied. Trapping will be conducted under mild weather conditions, with a minimum temperature greater than 50° Fahrenheit and atmospheric conditions relatively dry, and calm. Trapping shall not be conducted in extended periods of wind, rain or fog that may jeopardize the lives of the target species. Following the survey, the biologist shall submit to

CDFW and USFWS all reports and associated information required by their USFWS federal Section 10(a) permit. If no SBKR/LAPM are identified during surveys, no further action would be required. If SBKR are identified during surveys, then, occupied portions of the site would not be able to be developed until the Project Applicant can demonstrate that the appropriate authorization has been obtained from the United States Fish and Wildlife Service and California Department of Fish and Wildlife. If LAPM are identified then, occupied portions of the site would not be able to be developed until the Project Applicant can demonstrate that the appropriate coordination with the California Department of Fish and Wildlife (CDFW) has been completed to determine the appropriate mitigation ratio under the CDFW jurisdiction.

Page 4.3-27, Last Paragraph

MM-BIO-4 Prior to the issuance of a grading permit, or any permit allowing ground disturbance, the Project Applicant shall provide to the satisfaction of the Planning Director, evidence that Sensitive Natural Communities and special status species, including their associated habitat impacts, have been mitigated 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:~~

1. 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 4.3-30, First Paragraph

MM-BIO-5 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, as verified by a qualified biological monitor. 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 qualified biological monitor-verified nesting season, a preconstruction-clearance survey for nesting birds shall be conducted within ~~30~~ 3 days of the-start of any vegetation removal or ground-disturbing activities to ensure no-nesting birds will be disturbed during construction. The Project Applicant shall ensure that the qualified biological monitor is experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures. The Project Applicant shall ensure that the qualified biological monitor conducts the surveys at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall: encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and-structures; take into consideration the size of the project site; density, and complexity of the habitat, number of survey participants, survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. The qualified 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. If no active nests are found, no further action will be required.

If an active nest is discovered during the preconstruction clearance survey, construction activities 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. The qualified biologist/biological monitor shall use his/her best professional judgement and experience to determine the efficacy of the buffer and make adjustments, as needed to avoid impacts. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur. ~~This protocol is in accordance with the Migratory Bird Treaty Act and CDFW Fish and Game Code standards.~~ If a nest is observed, but thought to be inactive, the qualified biologist shall use his/her best professional judgement to monitor the nest to determine if, or when, the nest can be approached to confirm its' status.

Page 4.7-16, Last Paragraph

MM-GHG-1 Prior to the issuance of building permits, future development projects shall demonstrate the incorporation of project design features that achieve a minimum of 28.5 percent reduction in GHG emissions from non-mobile sources as compared to business as usual conditions. With regard to expansions/modifications of existing facilities, this mitigation measure shall be applied to the resulting incremental net increase in enclosed floor area. Future projects shall include, but not be limited to, the following list of potential design features (which include measures for reducing GHG emissions related to Transportation and Motor Vehicles). Energy Efficiency ·Design buildings to be energy efficient and exceed Title 24 requirements by at least 5 percent. ·Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight. ·Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use. Install light colored “cool” roofs and cool pavements. ·Provide information on energy management services for large energy users. ·Install energy efficient heating and cooling systems, appliances and equipment, and control systems (e.g., minimum of Energy Star rated equipment). ·Implement design features to increase the efficiency of the building envelope (i.e., the barrier between conditioned and unconditioned spaces). ·Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting. ·Limit the hours of operation of outdoor lighting. Renewable Energy ·Install solar panels on carports and over parking areas. Ensure all industrial buildings are designed to have “solar ready” roofs. ·Use combined heat and power in appropriate applications. Water Conservation and Efficiency ·Create water-efficient landscapes with a preference for a xeriscape landscape palette. ·Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. ·Design buildings to be water-efficient. Install water-efficient fixtures and appliances (e.g., EPA WaterSense labeled products). ·Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. ·Restrict the use of water for cleaning outdoor surfaces and vehicles. ·Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site). ·Devise a comprehensive water conservation strategy appropriate for the project and location.

The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project. ·Provide education about water conservation and available programs and incentives.

Solid Waste Measures ·Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). ·Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. ·Provide education and publicity about reducing waste and available recycling services. Transportation and Motor Vehicles ·Limit idling time for commercial vehicles, including delivery and construction vehicles. ·Promote ride sharing programs (e.g., by designating certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides). ·Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems. ·Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). ·Promote “least polluting” ways to connect people and goods to their destinations. ·Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. ·Incorporate bicycle-friendly intersections into street design. ·For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking). ·Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points.