

**WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN**

**FINAL**

**ENVIRONMENTAL IMPACT REPORT**

**SCH# 2012071058**

**PREPARED FOR:**

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# Acronyms and Abbreviations

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AB	Assembly Bill
ADT	average daily traffic
AQMP	Air Quality Management Plan
ASHRAE	American Society of Heating, Refrigerating, and Air Conditioning Engineers
CAGN	California gnatcatcher
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CC&Rs	Covenants, Conditions, and Restrictions
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Fontana
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CPTED	Crime Prevention through Environmental Design
dBA	A-weighted decibels
DEHS	San Bernardino County Division of Environmental Health Services
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
ESA	Environmental Site Assessment
FFPD	Fontana Fire Protection District
FICON	Federal Interagency Committee on Noise
GHG	greenhouse gas
Handbook	California Air Resources Board Land Use Handbook
HMMP	Habitat Mitigation and Monitoring Program
HOV	high-occupancy vehicle
HRA	Health Risk Assessment
HVAC	heating, ventilating, and air conditioning
I-	Interstate
ITE	Institute of Transportation Engineers
LED	light-emitting diode
LEED	Leadership in Energy and Environmental Design
LOS	level of service

LST	localized significance threshold
MEIR	maximally exposed individual receptor
MMRP	Mitigation Monitoring and Reporting Program
MSHCP	Multiple Species Habitat Conservation Plan
MTCO <sub>2e</sub>	metric tons carbon dioxide equivalent
NAHC	Native American Heritage Commission
NO <sub>x</sub>	nitrogen oxide
OEHHA	Office of Environmental Health Hazards Assessment
OSHA	Occupational Safety and Health Administration
PM <sub>10</sub>	particulate matter 10 microns or less in diameter
PM <sub>2.5</sub>	particulate matter 2.5 microns or less in diameter
RCTC	Riverside County Transportation Commission
RDEIR	Recirculated Draft Environmental Impact Report
RSS	Riversidean sage scrub
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SBCTA	San Bernardino County Transportation Authority
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SR	State Route
SWIP	Southwest Industrial Park
TAC	toxic air contaminant
TIA	Traffic Impact Analysis
TUMF	Transportation Uniform Mitigation Fee
USFWS	U.S. Fish and Wildlife Service
UST-CB	UST-CB Partners, L.P.
VOC	volatile organic compound
WVLCSP	West Valley Logistics Center Specific Plan
WVWD	West Valley Water District



The Final Environmental Impact Report (EIR) for the proposed West Valley Logistics Center Specific Plan (WVLCSP or “proposed project”) is composed of the following documents:

- 2<sup>nd</sup> Recirculated Draft EIR and Appendices Dated February 2018;
- Response to Comments;
- EIR Errata and Additions; and
- Mitigation Monitoring and Reporting Program (MMRP).

The purpose of this document is to respond to comments received by the City of Fontana (City) regarding the environmental information and analyses contained in the 2<sup>nd</sup> Recirculated Draft EIR (RDEIR) (February 2018), the 1<sup>st</sup> RDEIR (December 2014), and the Draft EIR (April 2014). Additionally, any corrections to the text and figures of the 2<sup>nd</sup> RDEIR, generated either from responses to comments or independently by the City, are provided in this volume of the Final EIR.

## 1.1 Content and Format

Subsequent to this introductory chapter, Chapter 2 contains copies of each comment letter received on the 2<sup>nd</sup> RDEIR (February 2018), the 1<sup>st</sup> RDEIR (December 2014), and the Draft EIR (April 2014), along with annotated responses to the comments in the comment letters. Chapter 3 of this document contains corrections and errata to the 2<sup>nd</sup> Recirculated Draft EIR. Chapter 4 contains the Mitigation Monitoring and Reporting Plan.

## 1.2 Public Review of the West Valley Logistics Center EIR

This 2<sup>nd</sup> RDEIR is part of the environmental review process for the WVLCSP that is being proposed by UST-CB Partners, L.P. (UST-CB). A Draft EIR for the WVLCSP was made available for public comment beginning on April 22, 2014, and ending on June 5, 2014. The City of Fontana received comments on the Draft EIR from state and local agencies, interest groups, and the public. Pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15088.5 (a), the City determined that a thorough response to the comments received by the City during the public review period necessitated the inclusion of new information, and would thereby require recirculation of the entire Draft EIR.

The 1<sup>st</sup> RDEIR was made available for public comment beginning on December 18, 2014, and ending on February 2, 2015. Based on the comments received by the City of Fontana on the 1<sup>st</sup> RDEIR, the applicant agreed to revisions to the proposed project in relation to routing of trucks between the project site and area freeways. As a result of this revision and the availability of updated models to address project traffic generation and resulting impacts, the City determined that the project’s traffic impact analysis, air quality, greenhouse gas, and noise technical studies each needed to be updated.

In addition to the availability of updated technical studies, pursuant to the provisions of CEQA Guidelines Section 15088.5(a), the City determined that a thorough response to the comments received by the City during the public review period for the 1<sup>st</sup> RDEIR necessitated the inclusion of new information, and would therefore require a second recirculation of the entire 1<sup>st</sup> RDEIR.

As permitted by CEQA Guidelines Section 15088.5 (f)(1), because the entirety of the Draft EIR and the 1<sup>st</sup> RDEIR were recirculated, the City of Fontana initially chose not to provide written responses to comments received during either of the two earlier circulation periods. Pursuant to the provisions of CEQA Guidelines Section 15088.5(f)(1), the 1<sup>st</sup> RDEIR stated that although the comments received during the original Draft EIR public review period would be part of the administrative record for the WVLCSP project, the City would not be preparing written responses to those comments in the Final EIR. In addition, the 2<sup>nd</sup> RDEIR stated that although the comments received during the 1<sup>st</sup> RDEIR public review period would be part of the administrative record for the WVLCSP project, the City would not be preparing written responses to those comments in the Final EIR. That said, Section 15088.5(f) provides that “[i]n no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.” Accordingly, as for all comments received on the 2<sup>nd</sup> RDEIR (February 2018), the 1<sup>st</sup> RDEIR (December 2014), and the Draft EIR (April 2014), the Final EIR documents how the City has responded to all pertinent comments on significant environmental issues and how the 2<sup>nd</sup> RDEIR was drafted in a manner to address comments raised by prior comment letters.

As required by the CEQA Guidelines Section 15087, a Notice of Completion of the 2<sup>nd</sup> RDEIR for the West Valley Logistics Center Specific Plan Project was filed with the State Clearinghouse on February 5, 2018 and the Notice of Availability of the 2<sup>nd</sup> RDEIR was filed with the San Bernardino County Clerk on February 5, 2018. The 2<sup>nd</sup> RDEIR was circulated for public review for a period of 45 days, from February 5, 2018 to March 23, 2018. Copies of the 2<sup>nd</sup> RDEIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the 2<sup>nd</sup> RDEIR were also made available for public review at the City Planning Division, at the Fontana Public Library, and on the City of Fontana’s website.

A total of 21 letters, emails, or telephone calls commenting on the 2<sup>nd</sup> RDEIR were received; eight of the letters were from federal, state, regional, tribal, or local agencies, six letters were from community or conservation organizations (three from the same group), and seven letters or emails calls were from private individuals (three from the same individual, two of which resubmitted the full set of comments from the Draft EIR and 1<sup>st</sup> RDEIR). All letters, emails, and telephone calls have been responded to within this document. Comments that address substantive environmental issues are responded to in Chapter 2.

## 1.3 Point of Contact

The Lead Agency for this project is the City of Fontana. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions should be referred to:

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## 1.4 Project Summary

The following information is summarized from the Project Description in the 2<sup>nd</sup> RDEIR. For additional detail in regard to project characteristics and project-related improvements, along with analyses of the project's potential environmental impacts, please refer to the 2<sup>nd</sup> RDEIR Chapters 3 and 4, respectively.

### 1.4.1 Project Location and Setting

The project area is in the southeastern portion of the City of Fontana in San Bernardino County, California and in the southwest "Valley Region" of San Bernardino County. The City boundary runs along the southern and eastern sides of the project. The project site borders the unincorporated community of Bloomington in San Bernardino County to the east and the City of Jurupa Valley in Riverside County to the south. The project site is depicted on the Fontana U.S. Geological Survey 7.5-minute quadrangle within Section 33, Township 1 south, Range 5 west. Regional transportation corridors in the area include the San Bernardino Freeway (Interstate 10 or I-10) to the north, the Pomona Freeway (State Route 60 or SR 60) to the south, the Riverside Freeway (I-215) to the east, and the Ontario Freeway (I-15) to the west. Local street access to the project area from the north would be from Locust Avenue and Jurupa Avenue. Local access from the south would be from Armstrong Road, which becomes Valley Way from SR 60. The project site is bisected by Armstrong Street, which runs diagonally northeast to southwest on the southern half of the site and turns into Locust Avenue north of 7th Street in the northern half of the site.

Near the project site, undeveloped areas include the Jurupa Hills (in Fontana) along the entire western boundary, a Southern California Edison (SCE) utility corridor along the northern portion of the project area, and vacant/undeveloped areas east of the project site and south of 7th Street. The residential properties near the project site within Fontana and the County of San Bernardino are typically single-family detached homes, some with equestrian uses, and are located east of Locust Avenue (between 7th and 11th Streets in Bloomington) and south of the project site (in the City of Jurupa Valley). Some rural residential development is found north of Jurupa Avenue. A conifer nursery is within the SCE easement south of Kessler Park and north of the existing detention basin on site. The Jurupa Hills, a major landform in southern Fontana extending south into Riverside County, are the natural backdrop to the WVLCSP site. The project site was used for agricultural

production and portions of the site have also been used historically as a landfill and quarry. The site is currently vacant.

## 1.4.2 Proposed Project Overview

The project consists of a Specific Plan that is being proposed by UST-CB. The project proposes adoption of the Specific Plan in the southeast portion of the City of Fontana. The 291.31-acre project site was previously approved for a mixed-use residential community, known as the Valley Trails Specific Plan, which was never developed. The WVLCSP is proposed to replace the approved but unbuilt residential, school, recreation, and open space uses identified in the Valley Trails Specific Plan with the warehouse and open space uses. Specifically, 3,473,690 square feet of warehouse distribution uses are proposed to occupy 212.11 acres; 14.93 acres of the site are proposed to continue to serve as detention basins; 1.54 acres of an existing utility corridor would remain unchanged; 55.23 acres would be retained in natural hillside open space; and 7.5 acres would be dedicated for roadway rights-of-way.

The WVLCSP provides direction for the development of the site related to land use, circulation, architecture and landscape design, grading, lighting, drainage, and public services and utilities, consistent with the City's General Plan and zoning ordinance. The City of Fontana is considering the adoption of the proposed Specific Plan to allow for the development of warehouse distribution uses, a detention basin, the preservation of natural hillside open space, and right-of-way dedications.

## 1.4.3 Project Objectives

The overarching goal of the project as stated by the applicant in the proposed Specific Plan is to implement the City of Fontana General Plan by providing clear, achievable plans and standards for development of a high-quality, state-of-the-art logistics center that will attract quality employers to the community. The following overarching project goals and specific objectives are set forth in the proposed Specific Plan:

- Facilitate the development of a functional, well serviced, and attractive logistics center that is sensitive to its setting in proximity to residential neighborhoods, and is economically competitive in the marketplace.
- Balance the need for warehouse distribution development with the preservation of on-site habitat in natural open space.
- Facilitate economic development, build on Fontana's existing industrial base, increase the number of business enterprises located in Fontana, and assist in meeting the diverse needs of local and regional commerce.
- Establish development standards and design guidelines that facilitate business and employment opportunities, are adaptive to changing market conditions, and achieve local planning objectives.
- Ensure that proposed development has a positive effect on the City of Fontana and surrounding communities.

Specific objectives contained in the WVLCSP include:

- Land Use Objectives

- Develop high-quality and functional warehouse/distribution logistics sites with stringent design standards.
- Ensure that the development of the site is compatible with, and sensitive to, existing and planned land uses in the area.
- Conserve on-site habitats as natural open space.
- Economic Objectives
  - Attract new businesses to the community and thereby expand employment opportunities for area residents.
  - Improve the local jobs/housing balance and reduce the need for out--commuting by Fontana area residents.
  - Meet part of the major regional demand in the industrial sector by providing warehouse/distribution logistics space.
  - Provide an asset base for the long-term economic health of the City.
  - Increase economic opportunities in the Fontana area by:
    - Providing warehouse/distribution logistics development that will provide employment opportunities for Fontana area residents and provide services needed by the area's expanding industrial economy;
    - Providing an attractive, functional, and economically productive logistics center that will add business and consumer purchasing power to the City of Fontana; and
    - Enhancing the fiscal health of the City of Fontana by generating net municipal revenues for the City.
- Design Objectives
  - Promote compatibility with surrounding neighborhoods through site design that maximizes distances between warehouse/distribution logistics operations and adjacent uses, and provides appropriate transitions and environmental buffers.
  - Develop a logistics center that is noteworthy for technological innovation in building design with regard to lighting, heating and cooling, materials re--use, and water and energy conservation.
  - Provide an attractive, pleasant workplace, as reflected in the landscaping, quality buildings, and aesthetic design of the logistics center.
  - Create a positive community image through quality design, environmental performance standards, and sustainable development.
  - Enhance the community image of the southeastern part of the City through design of "clean" industrial uses that coexist with planned residential communities.
  - Provide architectural diversity through imaginative and creative design within the project.
  - Provide landscaping that improves the streetscape experience and is supportive of the site's character and the character of the surrounding community.

- Circulation Objectives
  - Provide for an equitable distribution<sup>1</sup> of truck traffic along routes connecting the West Valley Logistics Center to the regional freeway system.
  - Minimize truck access through residential areas.
  - Improve circulation in the project area with the addition of new travel and turn lanes, signals, and other improvements needed to accommodate projected traffic from the West Valley Logistics Center and the surrounding area.
  - Promote and maintain a comprehensive transportation system that will provide safe, convenient, and efficient circulation to and within the logistics center.
  - Provide for necessary transportation improvements and strategies that will accommodate the demands of new and existing development, while preventing the deterioration of existing levels of service along access routes.
- Utilities Objectives
  - Ensure adequate water, sewer, drainage, telecommunications, electrical and natural gas, and other infrastructure necessary to attract and serve a state-of-the-art logistics center.
  - Implement environmentally sound wastewater management and stormwater treatment.
- Environmental Objectives
  - Implement environmentally advanced construction and operational practices that conserve natural resources and reduce greenhouse gas emissions, energy consumption, and water use.
  - Accommodate the use of alternative means of transportation for home--work trips.
  - Facilitate appropriate habitat protection and preservation.
  - Maximize on-site open space.
  - Implement site designs that maximize land use compatibility with nearby residential neighborhoods by minimizing noise, nighttime lighting, aesthetics, and other impacts.
  - Implement solid waste diversion programs during site construction and operations.
  - Incorporate feasible best available technologies and best management practices into project construction and operations.
  - Protect any archaeological resources that may be found within the Specific Plan area.

#### 1.4.4 Required Permits and Discretionary Actions

The following City actions are required to approve the proposed project:

- Approval of the West Valley Logistics Center Specific Plan
- Rescind the currently adopted Valley Trails Specific Plan

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<sup>1</sup> “Equitable distribution” is defined in the proposed Specific Plan as “the majority of trucks accessing the project site through San Bernardino County, with more trucks using the Sierra Avenue interchange along the I-10 freeway in Fontana than the Cedar Avenue interchange along the I-10 freeway in unincorporated San Bernardino County.”

- Zoning Amendment
- General Plan Amendment
- Tentative Parcel Map
- Development Agreement
- Site Plan and Design Review
- Heritage Tree Removal Permit
- Roadway Improvements





## Chapter 2

# Response to Comments

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A total of 21 comment letters or emails, providing comments on the 2<sup>nd</sup> Recirculated Draft Environmental Impact Report (RDEIR) were received by the City of Fontana (City), with eight letters from federal, state, regional, tribal, or local agencies, six letters from community or conservation organizations, and seven from private individuals (three from the same individual, two of which resubmitted the full set of comments from the Draft EIR (April 2014) and 1<sup>st</sup> RDEIR (December 2014)). Responses to all comments that address substantive environmental concerns comments in each of these letters and emails are provided in this section of the Final EIR.

Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
  1. Revise the text in the body of the EIR; or
  2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in the Final EIR clarifies, amplifies, or makes minor modifications to the 2<sup>nd</sup> RDEIR. No significant changes have been made to the information contained in the 2<sup>nd</sup> RDEIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document.

The responses to comments, below, along with the Errata is included as part of the Final EIR for consideration by the City prior to certification of the Final EIR.

## 2.1 List of Persons, Organizations, and Public Agencies Commenting on the 2<sup>nd</sup> Recirculated Draft EIR

The persons, organizations, and public agencies that submitted comments regarding the 2<sup>nd</sup> RDEIR are listed below. A total of 21 comment letters or emails, providing comments on the 2<sup>nd</sup> RDEIR were received by the City, with eight letters from federal, state, regional, tribal, or local agencies; six

letters from community or conservation organizations, and seven from private individuals (three from the same individual, two of which resubmitted the full set of comments from the Draft EIR and 1<sup>st</sup> RDEIR). Responses to the comments in each of these letters and emails are provided in this section of the Final EIR. The comments in each comment letter received are numbered and within the comment letters identified below in Table 2-1.

**Table 2-1. Comment Letters Received During Public Review of the 2<sup>nd</sup> Recirculated Draft EIR**

Comment Letter	Commenter	Date	Number of Comments
DOT	California Department of Transportation (Caltrans)	February 8, 2018	5
NAHC	Native American Heritage Commission	February 9, 2018	2
BC	Blum Collins, LLP on behalf of the Golden State Environmental Justice Alliance	March 19, 2018	9
SC	Sierra Club	March 20, 2018	2
NB	Noreen Bills	March 21, 2018	5
WVWD	West Valley Water District	March 21, 2018	9
CARB	California Air Resources Board	March 22, 2018	11
CJV	City of Jurupa Valley	March 22, 2018	52
EHL	Endangered Habitats League	March 23, 2018	2
GH	George Hague	March 26, 2018	1 and resubmittal of a comment letter from 1 <sup>st</sup> RDEIR
KD1	Kathleen Dale	March 26, 2018	Re-submittal of all comments on the Draft EIR
KD2	Kathleen Dale	March 26, 2018	Re-submittal of all comments on the 1 <sup>st</sup> RDEIR
KD3	Kathleen Dale	March 26, 2018	12
SBC	San Bernardino County Department of Public Works	March 26, 2018	36
SBC-LU	San Bernardino County Land Use Services Department	March 26, 2018	6
TKR	Thomas & Kim Rocha	March 26, 2018	28
EEJG	Center for Biological Diversity, Sierra Club, Center for Community Action and Environmental Justice	March 26, 2018	49
SCAQMD	South Coast Air Quality Management District	March 20, 2018	19
MAC	Bloomington Municipal Advisory Committee	April 10, 2018	5
CCA EJ	Center for Community Action and Environmental Justice	April 17, 2018	18
RTA	Richard and Teri Alvarez	April 28, 2018	13

## 2.2 Format of Responses to Comments

Aside from the courtesy statements, summaries of the EIR project description, introductions, and closings, individual comments within the body of each comment letter and email have been identified and numbered. A copy of each comment letter and the City's responses are included in this section. Brackets delineating the individual comments and an alphanumeric identifier have been added to the left margin of the letter or email. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments were provided to the agencies that provided comments a minimum of 10 days prior to the City's certification of the Final EIR.

In the process of responding to some comments, minor revisions were made to the text of the 2<sup>nd</sup> RDEIR. None of the comments or responses constitutes "significant new information" (CEQA Guidelines Section 15073.5) that would require additional recirculation of the 2<sup>nd</sup> RDEIR.

## 2.3 Responses to Comments Received on the 2<sup>nd</sup> Recirculated Draft EIR

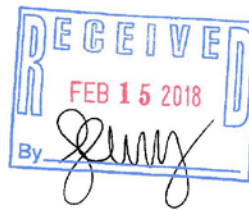
Following are the comment letters and responses to comments received on the 2<sup>nd</sup> RDEIR (March 2018). Comments and responses to comments received on the 2<sup>nd</sup> RDEIR are provided in Section 2.3. Comments and responses to comments made at the March 22 and April 17 Planning Commission meetings are provided in Section 2.4. Comment letters and responses to comments on the Draft EIR (April 2014) are provided in Section 2.5. Comment letters and responses to comments on the 1<sup>st</sup> RDEIR (December 2014) are provided in Section 2.6.

DEPARTMENT OF TRANSPORTATION  
DISTRICT 8  
PLANNING (MS 725)  
464 WEST 4th STREET, 6<sup>th</sup>FLOOR  
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Making Conservation  
a California Way of Life.

Comment Letter DOT



February 8, 2018

File: 08-SBd-10-PM 17.419

Orlando Hernandez  
Planning Manager  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

**Subject: West Valley Logistics Center Specific Plan – Notice of Availability of a Second Recirculated Draft Environmental Impact Report**

Dear Mr. Hernandez:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Notice of Availability of a Second Recirculated Draft Environmental Impact Report (2<sup>nd</sup> RDEIR) for the West Valley Logistics Center Specific Plan (Project), located at the southeast corner of Locust Avenue and Jurupa Avenue, in the City of Fontana. The Specific Plan would serve as the guiding document to develop an approximately 291-acre site with warehouse and open space land uses. This would allow up to 3,473,690 square feet of warehouse distribution uses within the southeastern portion of the City of Fontana.

DOT-1

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

DOT-2

In the forthcoming RDEIR, we recommend a Traffic Impact Analysis (TIA) be submitted to accurately evaluate the extent of potential impacts of the project to the operational characteristics of the existing State facilities by the project area. Additionally, we recommend the TIA to be submitted prior to the certification of the 2<sup>nd</sup> RDEIR to ensure timely review of the submitted materials to discuss any potential issues. We offer the following comments:

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

Mr. Hernandez  
 February 8, 2018  
 Page 2

- DOT-2  
 cont.

1) **Submit three hard copies of all TIA documents for review.** All State facilities within 5-mile radius of the Project should be analyzed in the TIA. The data used in the TIA should not be more than 2 years old, and shall be based on the Southern California Association of Governments 2012 or 2016 Regional Transportation Plan Model. Use the Highway Capacity Manual 6 methodology for all traffic analyses. (See *Caltrans Guide for the Preparation of Traffic Impact Studies* at [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf))
- DOT-3

Caltrans is committed to providing a safe transportation system for all users. We encourage the City to embark a safe, sustainable, integrated and efficient transportation system and complete street to enhance California’s economy and livability. A pedestrian/bike-friendly environment served by multimodal transportation would reduce traffic congestion prevalent in the surrounding areas. (See *Complete Street Implementation Action Plan 2.0* at [http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2\\_rpt.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/docs/CSIAP2_rpt.pdf)).

2) Design the local streets to serve vehicular and pedestrian circulation equally, and for safe pedestrian friendly environment. Consider both Americans with Disability Act and California Highway Design Manual standards and requirements to provide transportation routes for all users and modes, including pedestrian and bicyclists. “A Policy on Geometric Design of Highways and Streets,” issued by AASHTO, and the “Highway Capacity Manual”, published by the Transportation Research Board contain pedestrian LOS criteria. These are means of measuring the ability of the existing pedestrian facilities to provide pedestrian mobility and to determine the need for improvements expansions.
- DOT-4

3) Provide a continuous multi-modal circulation system throughout the City, specifically for pedestrians, allowing current/future residents, employees, and guests to access the attraction places. A pedestrian friendly environment might have urban street frontages, shaded pedestrian links, and open spaces/pocket parks with the high visibility crosswalks. Consider installing traffic calming devices, such as signage, road bulbs, chicanes, raised crosswalks, and speed humps and reducing curb-to-curb road widths and employing roadway design features such as islands, pedestrian refuges, and pedestrian count-down signal as needed and appropriate to improve safety and to enhance walkability within the community.
- DOT-5

These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this project is later modified in any way, please forward copies of revised plans as necessary so that we may evaluate all proposed changes for potential impacts to the SHS.

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”

Mr. Hernandez  
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Page 3

If you have any questions regarding this letter, please contact Jacob Mathew (909) 806-3928 or myself at (909) 383-4557.

Sincerely,



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

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

## **2.3.1 California Department of Transportation**

### **Response to Comment DOT-1**

This comment provides an introduction to the California Department of Transportation's (Caltrans') responsibilities for the State highway system. It raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

### **Response to Comment DOT-2**

A Traffic Impact Analysis (TIA) was, in fact, prepared as part of the West Valley Logistics Center Specific Plan (WVLCSP) EIR, and is included in the 2<sup>nd</sup> RDEIR as Appendix L. A detailed analysis of traffic impacts, including impacts on State highway facilities is also included in Section 4.2.15 (Transportation and Traffic) of the 2<sup>nd</sup> RDEIR.

The 2<sup>nd</sup> RDEIR was provided to Caltrans at the outset of the 45-day public review period on February 5, 2018. After receiving the Caltrans letter on February 15, 2018, three hard copies of the TIA were sent to Caltrans District 8 as requested. No subsequent comments were received from Caltrans.

### **Response to Comment DOT-3**

Comment DOT-3 provides recommendations regarding the design of project-related transportation facilities, and raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR. A detailed description of the transportation facilities proposed by the WVLCSP is set forth in Section 3, Project Description, of the 2<sup>nd</sup> RDEIR.

### **Response to Comment DOT-4**

See Response to Comment DOT-3.

### **Response to Comment DOT-5**

This comment raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR. As requested, any changes in the proposed project will be forwarded to Caltrans.

Comment Letter NAHC

**From:** Totton, Gayle@NAHC [<mailto:Gayle.Totton@nahc.ca.gov>]  
**Sent:** Friday, February 9, 2018 1:48 PM  
**To:** Orlando Hernandez <[ohernandez@fontana.org](mailto:ohernandez@fontana.org)>  
**Subject:** West Valley Logistics Center Project

Good afternoon Mr. Hernandez,

NAHC-1

I completed my review of the Recirculated Draft EIR for the above referenced project. Since the project does not fall under the requirements of AB-52, the Cultural Resources section is substantially in compliance. I do have a small correction in the timeline for discovery of Human

NAHC-1

Remains as detailed in RR-C-2. Public Resources Code section 5097.98 specifies that the Most Likely Descendant (MLD) named by the Native American Heritage Commission (NAHC) has 48 hours AFTER BEING GRANTED ACCESS TO THE SITE to make recommendations for disposition of the remains. The regulation states that it is 48 hours after notification by the NAHC. Please make this correction in the regulations.

Please let me know if you have any questions.

Sincerely,

Gayle Totton, M.A., Ph.D.  
 Associate Governmental Program Analyst  
 Native American Heritage Commission  
 (916) 373-3714



## 2.3.2 Native American Heritage Commission

### Response to Comment NAHC-1

As noted in Comment NAHC-1, since the proposed project is not subject to the provisions of Assembly Bill (AB) 52, and the EIR's Cultural Resources section is substantially in compliance.

### Response to Comment NAHC-2

Regulatory Requirement RR-C2 is revised to read as follows:

**RR-C-2: Comply with Requirements if Unanticipated Discovery of Human Remains Occurs.**

If human remains are discovered or recognized during construction-related activities, State Health and Safety Code Section 7050.5 requires there to be no further excavation or disturbance of the immediate location of the remains until the County coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are determined by the coroner to be of Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), which will then identify a most likely descendant (§7050.5; Public Resources Code §5097.98). The most likely descendant will have 48 hours after being granted access to the site to make a recommendation to the landowner as to the means of treating or disposing of the human remains and any associated grave goods with appropriate dignity, as stipulated in California Public Resources Code §5097.98. Upon discovery of human remains, the landowner will ensure that the immediate vicinity is not damaged or disturbed until specific conditions are met through discussions with the descendants regarding their preferences for treatment. If the NAHC is unable to identify a descendant, or the descendant fails to respond within 48 hours after being notified by the NAHC, the landowner is required to reinter the human remains on the property and to protect the site where the remains were reinterred from further and future disturbance. According to the State Health and Safety Code, six or more human burials at one location constitute a cemetery (§8100), and disturbance of Native American cemeteries is a felony (§7052).

## Comment Letter BC

**BLUM COLLINS, LLP**  
 ATTORNEYS AT LAW  
 AON CENTER  
 707 WILSHIRE BOULEVARD, SUITE 4880  
 LOS ANGELES, CALIFORNIA 90017  
 (213) 572-0400

March 19, 2018

Orlando Hernandez  
 Planning Manager  
 City of Fontana  
 8353 Sierra Avenue  
 Fontana, CA 92335

Re: *West Valley Logistics Center (SCH Number: 2012071058)*

Dear Mr. AbuBakar:

On behalf of the Golden State Environmental Justice Alliance, we hereby submit comments under the California Environmental Quality Act (“CEQA”) on the Environmental Impact Report (“EIR”) for the West Valley Logistics Center (“Project”).

**Air Quality and Greenhouse Gas**

**Failure to Implement All Feasible Mitigation to Reduce Emissions**

BC-1

The RDEIR’s air quality analysis determines that the Project’s operational emissions would exceed the thresholds set forth by the South Coast Air Quality Management District (SCAQMD) (Appendix F, Table 3-6, p. 47). Furthermore, the RDEIR’s greenhouse gas (GHG) analysis determines that the Project’s GHG emissions would also exceed SCAQMD thresholds (p. 4.2.7-42). As result, the Project proposes several mitigation measures to reduce the Project’s criteria air pollutant and GHG emissions (RDEIR, Table ES-1, p. ES-13 - ES-17; p. ES-37 - ES-38). However, even after implementation of mitigation, the RDEIR concludes that the Project’s operational air quality impacts would be significant with respect to VOCs and NO<sub>x</sub> and the Project’s GHG emissions would be significant (p. 4.2.2-36, p. 4.2.7-42). While it is true that the Project would result in significant VOC, NO<sub>x</sub>, and GHG impacts, the RDEIR’s conclusion that these impacts are “significant and unavoidable” is entirely incorrect. According to the California Environmental Quality Act (CEQA),

“CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project

Orlando Hernandez  
March 19, 2018

BC-1  
cont.

is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted.”<sup>1</sup>

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project’s proposed mitigation measures, however, demonstrates that not all feasible mitigation is being implemented. Therefore, the RDEIR’s conclusion that impacts are significant and unavoidable is unsubstantiated. As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project’s air quality impacts to the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project’s design, impacts from operational VOC and NOx emissions and GHG emissions cannot be considered as significant and unavoidable.

BC-2

#### Feasible Mitigation Measures Available to Reduce Operational Emissions

In an effort to reduce the Project’s operational VOC and NOx emissions, we identified several additional mitigation measures that are applicable to the Project. Additional mitigation measures that could be implemented to reduce operational GHG emissions include, but are not limited to, the following: <sup>2</sup>

- Use passive solar design, such as: <sup>3,4</sup>
  - Orient buildings and incorporate landscaping to maximize passive solar, heating during cool seasons, and minimize solar heat gain during hot seasons.
- Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
- Develop and follow a “green streets guide” that requires:
  - Use of minimal amounts of concrete and asphalt;

<sup>1</sup> [http://www.valleyair.org/transportation/GAMAQI\\_3-19-15.pdf](http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf), p. 115 of 125

<sup>2</sup> [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)

<sup>3</sup> Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.

<sup>4</sup> Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.

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BC-2  
 cont.

- Installation of permeable pavement to allow for storm water infiltration; and
- Use of groundcovers rather than pavement to reduce heat reflection.<sup>5</sup>
- Implement Project design features such as:
  - Shade HVAC equipment from direct sunlight;
  - Install high-albedo white thermoplastic polyolefin roof membrane;
  - Install high-efficiency HVAC with hot-gas reheat;
  - Install formaldehyde-free insulation; and
  - Use recycled-content gypsum board.
- Provide education on energy efficiency to residents, customers, and/or tenants. Provide information on energy management services for large energy users.
- Meet “reach” goals for building energy efficiency and renewable energy use.
- Require all buildings to become “LEED” certified.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.
- Use CARB-certified or electric landscaping equipment in project and tenant operations; and introduce electric lawn, and garden equipment exchange program.
- Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site.

BC-3

In addition to the measures discussed above, the SCAQMD has previously recommended additional mitigation measures for operational NO<sub>x</sub> emissions that result primarily from truck activity emissions, which would also reduce the Project’s operational GHG

<sup>5</sup> See Irvine Sustainable Travelways “Green Street” Guidelines; [www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934](http://www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934); and Cool Houston Plan; [www.harc.edu/Projects/CoolHouston](http://www.harc.edu/Projects/CoolHouston).

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BC-3  
cont.

emissions. Measures recommended for the Waterman Logistic Center that are also applicable for this Project's proposed land uses include:<sup>6</sup>

- Provide minimum buffer zone of 300 meters (approximately 1,000 feet) between truck traffic and sensitive receptors.
- Limit the daily number of trucks allowed at the facility.
- Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.
- Improve traffic flow by signal synchronization.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- Should the proposed Project generate significant emissions, the Lead Agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in emissions, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts.

BC-4

Furthermore, the Kimball Business Park Project Final Environmental Impact Report includes various feasible mitigation measures that would reduce on-site area emissions that are applicable to the proposed Project's retail land use, and include, but are not limited to: <sup>7</sup>

- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.

<sup>6</sup> SCAQMD Comment Letter in Response to MND for the Waterman Logistic Center, January 2018, available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/january/mndwaterman.pdf>

<sup>7</sup> Mitigation Monitoring Plan for the Kimball Business Park Project Final Environmental Impact Report, July 2016, available at: <http://www.cityofchino.org/home/showdocument?id=13244>

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BC-4  
 cont.

- Installation of electrical hook-ups at loading dock areas.
- Installation of dual-paned or other energy efficient windows.
- Installation of automatic devices to turn off lights where they are not needed.
- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings.

BC-5

Finally, additional, feasible mitigation measures can be found in CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels.<sup>8</sup> GHG emissions are produced during fuel combustion, and are emitted by on-road vehicles and by off-road equipment. Therefore, to reduce the Project’s mobile-source GHG emissions, consideration of the following measures should be made.

- Limit Parking Supply
  - This mitigation measure will change parking requirements and types of supply within the Project site to encourage “smart growth” development and alternative transportation choices by project residents and employees. This can be accomplished in a multi-faceted strategy:
    - Elimination (or reduction) of minimum parking requirements
    - Creation of maximum parking requirements
    - Provision of shared parking
- Provide End of Trip Facilities
  - Non-residential projects can provide "end-of-trip" facilities for bicycle riders including showers, secure bicycle lockers, and changing spaces. End-of-trip facilities encourage the use of bicycling as a viable form of travel to destinations, especially to work. End-of-trip facilities provide the added convenience and security needed to encourage bicycle commuting.
- Implement Commute Trip Reduction Marketing
  - The project can implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip reduction strategies. Implementing commute trip reduction strategies without a complementary marketing strategy will result in lower VMT reductions. Marketing strategies may include:
    - New employee orientation of trip reduction and alternative mode options

<sup>8</sup> <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

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BC-5  
 cont.

- Event promotions
  - Publications
- Implement Bike-Sharing Program
  - This project can establish a bike-sharing program to reduce VMTs. Stations should be at regular intervals throughout the project site.
- Price Workplace Parking
  - The project should implement workplace parking pricing at its employment centers. This may include: explicitly charging for parking for its employees, implementing above market rate pricing, validating parking only for invited guests, not providing employee parking and transportation allowances, and educating employees about available alternatives.
  - Though similar to the Employee Parking “Cash-Out” strategy, this strategy focuses on implementing market rate and above market rate pricing to provide a price signal for employees to consider alternative modes for their work commute.
- Implement Employee Parking “Cash-Out”
  - The project can require employers to offer employee parking “cash-out.” The term “cash-out” is used to describe the employer providing employees with a choice of forgoing their current subsidized/free parking for a cash payment equivalent to the cost of the parking space to the employer.

BC-6

When combined together, these measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces criteria air pollutant and GHG emissions released during the Project. A revised EIR must be prepared to include additional mitigation measures, as well as include updated air quality and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The Project Applicant also needs to demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s emissions are reduced to the maximum extent possible.

BC-7

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated  
 The RDEIR uses the U.S. EPA’s AERMOD software program to model emissions and evaluate whether mobile source diesel particulate matter (DPM) emissions resulting from Project construction and operation would pose a significant health risk to nearby sensitive receptors (p. 4.2.2-42). According to Appendix G, the calculated cancer risk to nearby sensitive receptors from exposure to DPM emissions during Project construction and

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BC-7  
cont.

operation for residential, worker, and school children receptors is 3.79, 0.53, and 0.05 in one million, respectively, which is below the significance threshold of ten in one million (Appendix G, p. 23-24). As a result, the RDEIR concludes that, “project risk levels are well below health risk assessment thresholds, this impact would be less than significant” (p. 4.2.2-45).

This conclusion, however, is incorrect. In February 2015, the California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) released updated health risk assessment guidelines that require risk calculations for specific age groupings.<sup>9</sup> The RDEIR’s health risk assessment fails to use age sensitivity factors (ASFs) and fails to incorporate recommended age specific inhalation rates discussed in this updated guidance document when calculating the Project’s health risk impact, thereby failing to account for children and infant’s heightened sensitivities to carcinogenic pollutants. Not applying an age specific factors to the health risk assessment calculations contradicts guidelines specified by OEHHA. As such, prior to certification of the EIR, an updated health risk assessment should be prepared to include these updated values.

BC-8

*Age Sensitivity Factors*

OEHHA was tasked with developing guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 43360(b)(2)). OEHHA initially developed Technical Support Documents (TSDs) in 1999-2000 in response to this statutory requirement. Since 2000, they have revised and adopted TSDs in an effort to present updated methodologies that reflect scientific knowledge and techniques developed since the previous guidelines were prepared; in particular, to explicitly include consideration of possible differential effects on the health of infants, children and other sensitive subpopulations, in accordance with the mandate of the Children’s Environmental Health Protection Act (Senate Bill 25, Escutia, Chapter 731, Statutes of 1999, Health and Safety Code Sections 39669.5 et seq.).<sup>10</sup>

<sup>9</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessment.” Office of Environmental Health Hazard Assessment, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html)

<sup>10</sup> *Adoption of the Revised Air Toxics Hot Spots Program Technical Support Document for Cancer Potency Factors*, Office of Environmental Health Hazard Assessment, June 1, 2009, available at: [http://www.oehha.ca.gov/air/hot\\_spots/tsd052909.html](http://www.oehha.ca.gov/air/hot_spots/tsd052909.html)



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BC-8  
cont.

In 2009 OEHHHA assessed the impact of cancer potency on age of exposure and concluded that, “the potency of carcinogens, and thus cancer risk, varies based on the lifestage at exposure... accounting for effects of early-in- life exposure requires accounting for both the increased potency of early in life exposure to carcinogens and the greater exposure on a per kg body weight that occurs early in life due to behavioral and physiological differences between infants and children, and adults”.<sup>11</sup> The guidance document continues on to explain that “in the absence of chemical-specific data, OEHHHA recommends a default ASF of 10 for the third trimester to age 2 years, and an ASF of 3 for ages 2 through 15 years to account for potential increased sensitivity to carcinogens during childhood.”<sup>12</sup> To address this issue, OEHHHA released updated risk exposure guidelines requiring an Age Sensitivity Factors (ASF) to be applied to early life exposures in the absence of chemical-specific data.<sup>13</sup> These factors, as summarized in the table below, were incorporated into OEHHHA’s most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015 (see excerpt below).<sup>14</sup>

**Table 8.3 Age Sensitivity Factors by Age Group for Cancer Risk Assessment**

Age Group	Age Sensitivity Factor (unitless)
3 <sup>rd</sup> Trimester	10
0<2 years	10
2<9 years	3
2<16 years	3
16<30 years	1
16-70 years	1

<sup>11</sup> *Technical Support Document for Exposure Assessment and Stochastic Analysis FINAL*, Office of Environmental Health Hazard Assessment, August 2012, available at: <http://oehha.ca.gov/media/downloads/crrr/chapter32012.pdf>

<sup>12</sup> *Ibid.*, p. 8-4

<sup>13</sup> *Guidance Manual for Preparation of Health Risk Assessments*, Office of Environmental Health Hazard Assessment, February 2015, available at: <http://oehha.ca.gov/media/downloads/crrr/2015guidancemanual.pdf>

<sup>14</sup> “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html)

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Therefore, to provide an appropriate analysis of the increased sensitivity to carcinogens during early-in-life exposure, ASFs should have been applied to the Project’s health risk assessment at the time the analysis was conducted. Review of the RDEIR’s HRA demonstrates that ASFs were not included in the analysis. Table 2-3 depicts the exposure factors and assumptions used to calculate the total cancer risk for the proposed Project (see excerpt below) (Appendix G, Table 2-3, p. 21).

BC-8  
 cont.

**TABLE 2-3: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK**

Exposure Parameter	Units	Residential	Worker	School Child <sup>a</sup>
Exposure Frequency	days/year	350	245	180
Exposure Duration	years	70	40	9
Inhalation Rate <sup>b</sup>	L/kg-day	302	149	581
Exposure Duration	Years	70	40	9
Exposure Time	hours/day	24	12	10

<sup>a</sup> To represent the unique characteristics of the school-based population, the assessment employed the U.S. Environmental Protection Agency’s guidance to develop viable dose estimates based on reasonable maximum exposures (RME). RME’s are defined as the “highest exposure that is reasonably expected to occur” for a given receptor population. As a result, lifetime risk values for the student population were adjusted to account for an exposure duration of 180 days per year for nine (9) years. The 9 year exposure duration is also consistent with OEHHA Recommendations and consistent with the exposure duration utilized in school-based risk assessments for various schools within the Los Angeles County Unified School District (LAUSD) that have been accepted by the SCAQMD.

<sup>b</sup> The residential breathing rate of 302 L/kg-day represents the 80<sup>th</sup> percentile breathing rate per ARB and consistent with SCAQMD Risk Assessment Procedures for Rules 1401 and 212, the worker breathing rate of 149 L/kg-day is also consistent with SCAQMD Risk Assessment Procedures for Rules 1401 and 212, the school child breathing rate of 581 L/kg-day represents the high end 95<sup>th</sup> percentile breathing rate.

As demonstrated above, the HRA fails to include ASFs in its calculations. OEHHA recommends the use of ASFs and age-specific breathing rates for children and infants (discussed below) in order to account for the heightened health effects of toxic air contaminant concentrations on younger children relative to adults; as such, both factors should have been used. According to OEHHA’s updated guidance, “The age-specific groupings to determine dose (3rd trimester, 0<2 yrs, 2<9 yrs, 2<16 yrs, 16<30 yrs, or 16-70 yrs) is needed in order to properly use the age sensitivity factors for cancer risk assessment.”<sup>15</sup> Therefore, the RDEIR’s failure to apply the correct ASFs is improper, and as a result, the potential excess cancer risk posed to children and infants is not

<sup>15</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessment.” OEHHA, February 2015, available at: [http://ochha.ca.gov/air/hot\\_spots/hotspots2015.html](http://ochha.ca.gov/air/hot_spots/hotspots2015.html), p. 5-46

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 March 19, 2018

BC-8 cont. accurately represented. For these reasons, we conclude that the health risk assessment in the RDEIR should not be relied upon to determine Project significance.

*Omission of Age-Specific Breathing Rates*

Not only does the RDEIR’s HRA fail to use the correct ASFs when estimating the total residential cancer risk, but it also fails to use age-specific breathing rates for infants and children. Instead, the HRA applies an inhalation rate of 302 L/kg-day in order to estimate the total residential cancer risk, which is inconsistent with OEHHA guidance (Appendix G, p. 21). By doing this, the HRA fails to account for the heightened susceptibility of infants and children to toxic air contaminant emissions. As a result, we find the Project’s health-related impact to be misrepresented and should not be relied upon to determine Project significance.

BC-9 In August of 2012, OEHHA formally adopted the *Technical Support Document for Exposure Assessment and Stochastic Analysis*.<sup>16</sup> Chapter three of this document discusses “age-specific breathing rates for use in health risk assessments for short-term exposure...and for long-term daily average exposures resulting from continuous or repeated 8-hour exposure.”<sup>17</sup> OEHHA recommends the long-term daily breathing rates in Table 3.1 of this document (see excerpt below).

**Table 3.1. Recommended Point Estimates for Long-Term Daily Breathing Rates**

	3 <sup>rd</sup> Trimester	0<2 years	2<9 years	2<16 years	16<30 years	16<70 years
<b>L/kg-day</b>						
Mean	225	658	535	452	210	185
95th Percentile	361	1090	861	745	335	290
<b>m<sup>3</sup>/day</b>						
Mean	15.3	6.2	10.7	13.3	15.0	13.9
95th Percentile	23.4	11.2	16.4	22.6	23.5	22.9

Therefore, to provide an appropriate analysis of the health effects on infants and children, the 95<sup>th</sup> percentile breathing rates for infants and children should have been applied at the time the analysis was conducted. Review of the RDEIR and associated appendices, however, demonstrates that a breathing rate of 302 L/kg-day was used to estimate the

<sup>16</sup> [http://www.ochha.ca.gov/air/hot\\_spots/tsd082712.html](http://www.ochha.ca.gov/air/hot_spots/tsd082712.html)

<sup>17</sup> [http://www.ochha.ca.gov/air/hot\\_spots/pdf/2012tsd/Chapter3\\_2012.pdf](http://www.ochha.ca.gov/air/hot_spots/pdf/2012tsd/Chapter3_2012.pdf) p. 3-1

Orlando Hernandez  
March 19, 2018

BC-9  
cont.

Project's health risk impacts, rather than the 95<sup>th</sup> percentile breathing rates according to each age category, as outlined in the table above (Appendix G, Table 2-3, p. 21). As a result, the Project's health risk impacts are underestimated. These age specific breathing rates should be applied in an updated health risk assessment in an effort to accurately determine the potential cancer risk posed to infants and children residing near the Project site. By failing to include these factors in the Project's cancer risk calculations, the potential excess cancer risk posed to children and infantile residential receptors is not accurately represented. As such, the health risk assessment within the RDEIR should not be relied upon to determine Project significance. Until an updated analysis is prepared, the Project should not be approved.

Sincerely,



Gary Ho  
Blum|Collins, LLP

### 2.3.3 Blum Collins, LLP on Behalf of the Golden State Environmental Justice Alliance

#### Response to Comment BC-1

The commenter claims that project does not include sufficient mitigation measures to reduce impacts to the maximum extent feasible, specifically with respect to the project’s operational volatile organic compound (VOC), nitrogen oxide (NO<sub>x</sub>), and greenhouse gas (GHG) emissions. The 2<sup>nd</sup> RDEIR identifies several specific plan requirements, regulatory requirements, and mitigation measures that are feasible and will reduce project impacts to the maximum extent possible (see pages ES-13 through ES-18). Further, Appendix F in the 2<sup>nd</sup> RDEIR provides a thorough evaluation of applicable mitigation measures and clearly states why they are rejected. See Table 1-1 of the *West Valley Logistics Center Air Quality Impact Analysis* in Appendix F of the 2<sup>nd</sup> RDEIR. See Response to Comment BC-2 for discussion of the commenter’s identification of feasible mitigation measures available to reduce operational emissions.

#### Response to Comment BC-2

The commenter does not present any evidence that the recommended measures would substantively reduce emissions of VOCs, NO<sub>x</sub>, or GHGs. The recommended measures would generally reduce VOC and NO<sub>x</sub> emissions associated with the building envelope’s operations; however, these measures would have no substantive reduction on VOC and NO<sub>x</sub> emissions due to the fact that the majority of VOC emissions are from truck that will access the project as well as the use of consumer products (cleaners, solvents, etc.) as part of daily operations, similarly the majority of NO<sub>x</sub> emissions are also from trucks accessing the project which would not be reduced by these measures. For GHG emissions, these measures would also have little reduction in the overall total emissions generated by the project. In fact, even if all VOC, NO<sub>x</sub>, and GHG emissions associated with the building envelope (energy usage) were reduced to zero, the project would still exceed the applicable thresholds due to mobile emissions. As noted in Response to Comment BC-5, the project includes sustainability features designed to reduce stationary source emissions.

The project includes the following Sustainability Features in the 2<sup>nd</sup> RDEIR that would generally reduce direct and indirect air quality and GHG emissions (page 3-15,3-16, and 3-17 of the 2<sup>nd</sup> RDEIR):

Sustainability Areas	Project Component	Environmental Topic Areas
Resource Conservation	A total of 55.23 acres of open space and habitat areas would be preserved. An avian movement area would be created using ground level and roof top plantings to facilitate Coastal California gnatcatcher (CAGN) access to habitat on site and to move between Rattlesnake Mountain and the Jurupa Mountains (see Figure 3-8).	Biological Resources, Land Use
2013 Title 24 and CALGreen Standards: Green Infrastructure and	State-required compliance with 2013 Title 24 energy standards. The 2013 Title 24 standards are 30% more stringent than the 2008 Title 24 standards for non-residential buildings. Per CALGreen Building Standards Code, the mandatory provisions of the code are anticipated to reduce 3 million metric tons of GHG emissions by 2020, reduce water use by	Air Quality, GHG Emissions, Energy, Utilities, Service Systems,

Sustainability Areas	Project Component	Environmental Topic Areas
Building-level Sustainability	20% or more, and divert 50% of construction waste from landfills. This includes design considerations related to the building envelope; roofing systems; windows; heating, ventilating, and air conditioning (HVAC); lighting; power systems; and building materials. The CALGreen standards are a key component of reducing GHG emissions below “business as usual” conditions and an important part of achieving GHG reduction targets for the WVLCSP.	and Water Supply.
Building Design: Building-level Sustainability	Buildings would be designed with Leadership in Energy and Environmental Design (LEED) features so as to be eligible for certification as Gold buildings. Landscaping within the WVLCSP would meet LEED standards.	GHG Emissions, Energy, Utilities and Service Systems, and Water Supply
Building Design: Building-level Sustainability	Buildings not providing rooftop plantings to facilitate CAGN access would be designed to be capable of providing rooftop solar energy generation.	GHG Emissions, Energy, Utilities and Service Systems
Energy Efficient Lighting: Building-level Sustainability	Energy-efficient interior and exterior lighting (compliant with Title 24 standards) including light-emitting diodes (LED), T5 and T8 fluorescent lamps, or other lighting that is at least as efficient. Lighting would incorporate motion sensors that turn them off when not in use.	GHG Emissions, Energy, Utilities and Service Systems
Appropriate Landscaping and Building-Level Sustainability	Plants and landscaping within the WVLCSP would be designed to meet LEED Neighborhood Development standards for water conservation, in addition to providing landscape irrigation that meets the City’s water conservation requirements.	Utilities and Service Systems, and Water Supply
Efficient Irrigation: Resource Conservation	Water-efficient landscape irrigation would be installed, which meets the City’s water conservation requirements.	Utilities and Service Systems, and Water Supply
Appropriate Landscaping	A non-irrigated, drought-tolerant hydroseed mix appropriate to the climate zone would be used to conserve water.	Utilities and Service Systems, and Water Supply
Appropriate Landscaping and Building-Level Sustainability	Surface parking lots shall be well-landscaped to reduce heat island effect. Parking lot landscaping would be planted with 15-gallon trees with a low to very low water use rating, one per every four parking stalls. The trees may be clustered, but a minimum of one cluster shall be provided for each 100 feet of parking row. Trees shall be selected and placed to provide canopy and shade for the parking lots.	Climate Change, Aesthetics
Green Infrastructure and Building-level Sustainability	Electrical outlets would be provided in loading dock areas to power for trucks when refrigeration is proposed. This allows trucks with refrigerated cargo to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.	Air Quality, GHG Emissions, Noise
Electrical On-site Equipment: Green Infrastructure and	All yard tractors and indoor forklifts would be required to be electrical or equivalent.	Air Quality, GHG Emissions

Sustainability Areas	Project Component	Environmental Topic Areas
Building-level Sustainability		
Building Efficiency: Green Infrastructure and Building-level Sustainability	Buildings would be designed to consider the interactions of building envelope, HVAC, lighting, and power systems as they affect energy performance.	Air Quality, GHG Emissions, Utilities and Service Systems
Refrigeration: Green Infrastructure and Building-level Sustainability	Refrigerants and HVAC equipment would be selected to minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming.	GHG Emissions
Green Infrastructure and Building-level Sustainability	Ventilation and HVAC systems would be designed to meet or exceed the minimum outdoor air ventilation rates described in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) standards and/or per California Title 24 requirements.	Air Quality, GHG Emissions, Utilities and Service Systems
Title 13 of the California Code of Regulation: Operational Sustainability	Building operators (by contract specifications) would require that equipment, including heavy-duty equipment, motor vehicles, and portable equipment, be turned off when not in use for more than 5 minutes. Truck idling shall not exceed 5 minutes in time. All buildings would post signs requiring that trucks shall not be left idling for more than 5 minutes pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than 5 minutes. Nighttime truck idling would not be permitted.	Air Quality, GHG Emissions, Noise
Particulate Matter Traps on All On-road Heavy-Duty Diesel Trucks: Operational Sustainability	Contractors and building operators would be requested, by contract specification, that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available. This provision applies to truck traffic during both project construction and operations.	Air Quality, GHG Emissions
Ridesharing and Transit: Operational Sustainability	All buildings shall comply with the provisions of Development Code Article XIV, Transportation Demand Management and Trip Reduction Requirements. Building operators would participate in a Property Owners' Association that would support and encourage ridesharing and transit incentives for the employees by providing resources to organize rideshares, such as bulletin boards or email announcements. The construction contractor would also fully or partially subsidize transit fares or passes for the construction crew members who can feasibly use transit.	Air Quality, GHG Emissions, Traffic
Non-Motorized Transportation: Operational Sustainability	All streets within the Specific Plan area would be constructed as Class III bicycle routes.	Air Quality, GHG Emissions, Traffic

Sustainability Areas	Project Component	Environmental Topic Areas
Non-Motorized Transportation: Operational Sustainability	All buildings would provide bicycle racks/storage, along with showers and changing rooms for employees.	Air Quality, GHG Emissions, Traffic
Recycling Program: Operational Sustainability	The Specific Plan would implement an operational recycling program that will include paper, cardboard, glass, plastic, and metals.	Utilities and Service Systems, GHG Emissions

Source: West Valley Logistics Center Specific Plan, Metis Environmental Group (March 2017)

Many of the suggestions set forth in Comment BC-2 are either infeasible or impractical for a logistics center as discussed below.

- The orientation of buildings is dictated by the shape of the project site and its topography. In addition, because warehouse roofs are flat, it is not necessary to orient buildings so as to maximize south-facing pitched roof area. As discussed in Response to Comment EEJG-30, Mitigation Measure GHG-1 has been revised to require rooftop installation of solar systems.
- Because the proposed warehouse project would operate on a 24-hour basis, limiting the hours of operation of outdoor lighting could result in safety hazards. Specific Plan Requirement SP-A-4 requires that exterior lighting be kept to the minimum required for safety and prohibits purely decorative lighting displays.
- Because adjacent streets will be designed for truck use, “use of minimal amounts of concrete and asphalt” as part of a “green streets guide” would not provide an adequate traffic index to accommodate project-related truck traffic.
- All buildings will meet CalGreen standards, which is a key component for statewide GHG emissions reductions. In addition, Buildings would be designed with Leadership in Energy and Environmental Design (LEED) features so as to be eligible for certification as Gold buildings. Specific Plan Requirement SP-GHG-6 states that heating, ventilating, and air conditioning (HVAC) “equipment will be selected to minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming. Ventilation and HVAC systems will be designed to meet or exceed the minimum outdoor air ventilation rates described in the American Society of Heating, Refrigeration, and Air Conditioning Engineers standards and/or per California Title 24 requirements.”
- The suggested measure addressing education set forth in Comment BC-2 appears to be a generic suggestion that is not relevant to the proposed project in that it suggests educational programs on energy efficiency for residents and customers, neither of which would be consumers of energy within the proposed logistics center. As discussed in Response to Comment EEJG-30, Mitigation Measure GHG-1 has been revised to require rooftop installation of solar systems Standard Requirement SR-GHG-3 includes providing educational materials to on-site businesses regarding waste reduction and recycling, as well as water conservation, as a means of reducing GHG emissions. Additional energy efficiency measures set forth in Standard Requirement SR-GHG-3 includes:
  - Design buildings to be energy efficient, meet 2013 Title 24 requirements, and comply with the CALGreen Code. Under Tier I, all new construction projects are required to reduce energy consumption by 15 percent below the baseline required by the California Energy



Commission, as well as implement more stringent green measures than those required by mandatory code.

- Install efficient lighting and lighting control systems. Solar or light-emitting diode lighting will be installed for outdoor lighting. The site and buildings will be designed to take advantage of daylight, such that use of daylight is an integral part of the lighting systems in buildings.
- Use trees, landscaping, and sun screens on west and south exterior building walls to reduce energy use.
- Install light colored “cool” roofs over air conditioned spaces and cool pavements.
- Install energy-efficient heating and cooling systems, appliances and equipment, and control systems that are Energy Star rated.
- Implement design features to increase the efficiency of the building envelope (i.e., the barrier between conditioned and unconditioned spaces). This includes installation of insulation to minimize heat transfer and thermal bridging and to limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Provide vegetative or human-made exterior wall shading devices or window treatments for east, south, and west-facing walls with windows.
- Incorporate Energy Star rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.
- Install and use equipment and machinery that only use less than 3,900 global warming potential hydrofluorocarbon refrigerants or natural refrigerants (ammonia, propane, carbon dioxide) for refrigeration and fire suppression equipment.

Given these extensive requirements, providing educational materials on “energy efficiency” would not have a material effect on project-related GHG emissions.

- The WVLCSP sets forth landscaping requirements for the project that will provide shade within parking areas, and minimize water use. Given the extensive energy efficiency requirements identified above along with existing requirements for on-site landscaping, it is unlikely that modifications to the proposed project’s landscape palette would have a material effect on project-related GHG emissions.
- Specific Plan Requirement SP-AQ-6 requires all on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) and all on-site indoor forklifts to be powered by electricity.
- The project includes a requirement that it will be designed consistent with LEED features as outlined in Specific Plan Requirement SP-GHG-3.
- Sources of groundwater recharge for the groundwater basin within which the project site is located were identified in the 2<sup>nd</sup> RDEIR as “percolation from the Santa Ana River, underflow past the Rialto-Colton Fault, intermittent underflow from the Chino Subbasin, return irrigation flow, and deep percolation of precipitation and local mountain runoff.” The project site has been designed to retain stormwater on site such that 100-year flows are reduced to 90 percent of the existing 25-year peak flow rate. Thus, post development storm water flows will be less than under existing conditions and infiltration into the area’s groundwater basin will be increased.

The 2<sup>nd</sup> RDEIR concludes that impacts in relation to groundwater recharge and water consumption would both be less than significant.

As such, the recommended measures are not required, and no additional feasible mitigation exists.

### Response to Comment BC-3

The recommended mitigation measures provided are for a project located in the City of San Bernardino which prepared a Mitigated Negative Declaration for that project in 2015. The mitigation measures applied to that project are not relevant to the WVLCSP for the following reasons:

- The South Coast Air Quality Management District’s (SCAQMD’s) recommended buffer of 300 meters (approximately 1,000 feet) is presumed to be based on the California Air Resources Board (CARB) Land Use Handbook (“Handbook,” April 2005) which recommends a buffer distance of at least 1,000 feet between land uses that will generate/attract 100 or more trucks per day. However, CARB’s guidance acknowledges that the 1,000-foot buffer distance is an advisory, only, and that projects should determine the *actual* risk near a particular facility (see page 5 of the Handbook). The Handbook further states that “these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists.”

The 2<sup>nd</sup> RDEIR and its technical studies—which includes an air quality impact analysis and a Health Risk Assessment (HRA)—fill in that data gap with project-specific information and are actually consistent with the CARB Handbook. The 2<sup>nd</sup> RDEIR includes a site-specific HRA based on the geospatial location of the proposed project, existing sensitive land uses in the vicinity of the project site, and the truck travel routes that are expected to be utilized. As disclosed in the 2<sup>nd</sup> RDEIR, the project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the project vicinity. Therefore, an additional buffer beyond the buffer already provided by the project is not warranted.

The project proposes a design to accommodate warehouse building occupants. CEQA requires that an EIR evaluate the proposed project based on reasonable assumptions and foreseeable actions. The number of truck trips that the project is expected to generate is based on Institute of Transportation Engineers (ITE) and SCAQMD recommendations, which rely on surveyed data from other warehouse uses, which is reasonable and reliable information. The comment does not present any evidence that truck trips associated with the project would be greater than disclosed in the 2<sup>nd</sup> RDEIR. Instituting a cap on the number of trucks that can access the project’s building is not required under CEQA, nor would it be feasible for the City of Fontana to monitor and enforce such a requirement. The 2<sup>nd</sup> RDEIR has made reasonable assumptions based on substantial evidence by using ITE and SCAQMD recommendations based on the project’s design and expected occupant type. For this reason, the City rejects the recommendation to impose and enforce a numerical cap on the number of trucks that the project attracts during its operation.

- The site is already designed to ensure that there are no trucks queuing outside the facility. The City of Fontana will work with the applicant on appropriate signage to ensure that no trucks queue outside the facility. Specific Plan Requirement SP-N-3 will be revised as follows:

**SP-N-3: Truck Idling.** To reduce potential noise impacts related to truck idling during project operations, deed restrictions and parking lot signage shall limit the maximum number of trucks idling on the east side of Building 1 to 20 trucks during nighttime hours

between 10:00 p.m. and 7:00 a.m. In addition, Locust Avenue/Armstrong Street through the project site will be signed so as to prohibit queueing of trucks waiting to enter buildings sites within the West Valley Logistics Center. Proposed deed restrictions and parking lot signage will be submitted to the City of Fontana Community Development Department for review and approval prior to issuance of a certificate of occupancy.

- The project will provide signal synchronization where such recommendations have been made in the project's TIA. Several intersection and street improvements have been identified that will alleviate congestion and improve traffic flow. Table 1-4 of the TIA (2<sup>nd</sup> RDEIR Appendix L) identifies locations of the San Bernardino County Transportation Authority's (SBCTA's) coordinated traffic signal program. Cycle lengths for traffic signals installed or paid for by the project will be set in accordance with SBCTA's coordinated traffic signal program unless otherwise requested by the City of Fontana for intersections within the City or San Bernardino County for intersections within unincorporated areas.
- Project truck traffic will utilize designated haul truck routes by the City of Fontana and other public streets. See Response to Comment CJV-33 for conceptual geometrics for project driveways and intersections to direct truck traffic away from adjacent residential neighborhoods.
- Specific Plan Requirement SP-AQ-3, as revised, applies to both construction and operational trucks contains the following requirement:

The project will require contractors and building operators (by contract specifications) that on-road heavy-duty diesel trucks have a 2010 model year engine or newer or are equipped with a particulate matter trap.

The following Specific Plan requirements are added to Section 3.6.1, Specific Plan Requirements, of the 2<sup>nd</sup> RDEIR:

**SP-AQ-7: On-street Truck Queueing.** The applicant will work with the City of Fontana to establish appropriate signage to ensure that no trucks queue outside the West Valley Logistics Center facility.

**SP-TR-6: Traffic Signal Synchronization.** Traffic signals installed along Locust Avenue at Jurupa Avenue, 11th Street, and 7th Street shall be synchronized to provide for optimal flow of truck and automobile traffic through the project site.

## Response to Comment BC-4

See Response to Comment BC-2. The measures suggested in this comment were approved for a project provided not only for truck-intensive warehouse as is proposed for the West Valley Logistics Center, but also for light industrial/business park uses that would be less-truck intensive and would relatively more operations-related air pollutant emissions on site than would a pure warehouse project.

Because of the warehouse nature of the proposed project, the vast majority of VOC, NO<sub>x</sub>, and GHG emissions occur from mobile sources. As discussed in Response to Comment BC-2, the project includes the following Sustainability Features that would generally reduce direct and indirect air quality and GHG emissions (pages 3-15, 3-16, and 3-17 of the 2<sup>nd</sup> RDEIR):

- Preservation of 55.23 acres of open space and habitat area;

- Compliance with 2013 Title 24 energy standards and CalGreen building standards;
- Buildings designed to quality for LEED Gold certification;
- Provision of rooftop solar energy generation;
- Energy-efficient light-emitting diode (LED) lighting;
- Drought tolerant landscaping;
- Design of surface parking lots to reduce heat gain through landscaping;
- All on-site tractors and indoor forklifts to be electrical or equivalent;
- Ventilation and HVAC systems designed to meet or exceed American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) and Title 24 standards;
- Requirements to turn off equipment when not in use;
- Requirements that all trucks accessing the site be 2010 model year or newer;
- Implementation of Transportation Demand Management program;
- Provision of Class III bicycle routes;
- Provision of bicycle racks/storage, along with changing rooms and showers for employees; and
- Implementation of recycling programs for paper, cardboard, glass, plastic, and metals.

The operations-related measures recommended in this comment would thus not have a substantive reduction in VOC, NO<sub>x</sub>, or GHG impacts.

### **Response to Comment BC-5**

The recommended measures listed in this section would reduce mobile-source GHG emissions, however these measures would only reduce mobile-source GHG emissions from passenger vehicles. As noted in Response to Comment BC-2, the majority of GHG emissions from the project are a result of trucks accessing the project site. Notwithstanding, the project does include sustainability features that would include Ridesharing and Transit and encouragement of bicycle use as discussed on page 3-17 of the 2<sup>nd</sup> RDEIR. As such, the project already includes some of the recommended measures such as:

- All buildings shall comply with the provisions of Development Code Article XIV, Transportation Demand Management and Trip Reduction Requirements.
- Building operators would participate in a Property Owners' Association that would support and encourage ridesharing and transit incentives for the employees by providing resources to organize rideshares, such as bulletin boards or email announcements.
- The construction contractor would also fully or partially subsidize transit fares or passes for the construction crew members who can feasibly use transit.
- All streets within the Specific Plan area would be constructed as Class III bicycle routes.
- All buildings would provide bicycle racks/storage, along with showers and changing rooms for employees.

Features such as limiting parking supply, pricing workplace parking, or bike sharing programs are more applicable to higher intensity mixed use development and office complexes in areas with more

robust transit than typically exists in a lower intensity area such as the project site. Parking within the project site will be provided in accordance with City of Fontana ordinance requirements.

### Response to Comment BC-6

As discussed in Responses to Comment BC-2 through BC-5, all feasible mitigation measures have been considered in the 2<sup>nd</sup> RDEIR and no further mitigation is required.

### Response to Comment BC-7

The project's HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition), as well as the 2015 Office of Environmental Health Hazards Assessment (OEHHA) guidelines, as recommended, which account for age-weighted factors for early life exposures.

The inhalation rates in the revised HRA are consistent with the SCAQMD's Rule 1401 guidance, specifically the SCAQMD's Permit Application Package "M," Table 9.1 (page 36).

Pursuant to Specific Plan Requirement SP-AQ-3, as revised, trucks accessing the project would be required to meet or exceed a 2010 model year engine standard. As such, a 2018 EMFAC 2014 run was conducted for 2010 and better trucks. The emissions average conservatively includes a static 2018 analysis year for model year 2010 and better trucks for the entire duration of analysis herein (e.g., 30 years). Use of 2018 emission factors would overstate potential impacts since this approach assumes that emission factors remain "static" and do not change over time due to fleet turnover or cleaner technology with lower emissions that would be incorporated after 2018. Additionally, based on EMFAC2014, Light-Heavy-Duty Trucks comprise 68 percent diesel, Medium-Heavy-Duty Trucks comprise 94.36 percent diesel, and Heavy-Heavy-Duty Trucks comprise 99.7 percent diesel trucks and have been accounted for accordingly in the emissions factor generation.

The following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the site: 16.73 percent of the total trucks as 2-axle trucks, 20.7 percent of the total trucks as 3-axle trucks, and 62.57 percent of the total trucks as 4+-axle trucks.

Assuming 15 minutes of idling per truck, at the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to project DPM source emissions is estimated at 9.59 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0027, which is well below the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to adjacent residences. The less than significant finding is consistent with the analysis presented in the 2017 HRA Study and 2<sup>nd</sup> RDEIR and thus no new significant impacts would occur.

Assuming 9 minutes of idling per truck, at the MEIR, the maximum incremental cancer risk attributable to project DPM source emissions is estimated at 9.03 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0025, which is well below the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to adjacent residences. The less than significant finding is consistent with the analysis presented in the 2017 HRA Study and 2<sup>nd</sup> RDEIR and thus no new significant impacts would occur.

**Response to Comment BC-8**

See Response to Comment BC-7.

**Response to Comment BC-9**

See Response to Comment BC-7.



March 20, 2018

City of Fontana  
Orlando Hernandez  
Planning Manager – Community Development  
Planning Division  
8353 Sierra Avenue  
Fontana, CA 92335

Re: Planning Commission Public Hearing and Notice of Draft Environmental Impact Report for West Valley Logistics Center Specific Plan

On Behalf of San Geronio Chapter of the Sierra Club, I submit the following comments regarding the Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan:

- SC-1 (1) The conclusions and information in the EIR is flawed.
- SC-2 (2) There are feasible project alternatives and mitigation measures available to reduce significant project impacts.

Thank you for your consideration of these comments. Please confirm that you have received my comments, and include Sierra Club San Geronio Chapter in any future notices or correspondence regarding this project.

San Geronio Chapter Executive Committee  
Mary Ann Ruiz, Chair  
PO Box 5425  
Riverside, CA 92517

## **2.3.4 Sierra Club**

### **Response to Comment SC-1**

Comment SC-1 provides a very general critique of the 2<sup>nd</sup> RDEIR. Without any specific information on what aspects of the EIR the commenter believes to be flawed, it is impossible to provide a specific response. Specific responses are provided to specific comments in each of the other comment letters in Section 2.3 of the Final EIR.

### **Response to Comment SC-2**

The 2<sup>nd</sup> RDEIR sets forth an extensive list of Project Design Features, which include Specific Plan Requirements, Regulatory Requirements, and Standard Requirements, and Mitigation Measures designed to avoid or minimize the significant impacts of the proposed project. See Responses to Comments BC-2 through BC-5 for discussion that all feasible mitigation measures have been incorporated into the 2<sup>nd</sup> RDEIR.



## Comment Letter NB

Noreen Bills  
 2067 Rorimer Dr.  
 Jurupa Valley, CA 92509

March 21, 2018

To Whom It May Concern:

NB-1 [ The developers of the West Valley Logistics Project request for a zoning change in our neighborhood for industrial warehouses causes great concern. The area is zoned residential and is filled with residential housing. It should remain that way. This is a semi-rural area with recent new housing and hundreds of more homes approved adjacent to this project. On all sides of this project is residential land. This Fontana property borders Bloomington and Jurupa Valley. Fontana should operate in good faith as good neighbors and deny a project that creates significant negative impact for its neighbors.

NB-2 [ South Coast Air Quality Management District has provided a negative environmental report for the project. This area has some of the worst air quality in the country, and this project will add to the problem. Children have higher rates of asthma in our area, and two school are located nearby. Citizens must be protected from the increased traffic and industrial activity we know will have a determinantal effect on the environment and its inhabitants.

NB-3 [ With the enormous semi-truck and auto traffic created, this project is not appropriate for this site. The infrastructure cannot support the addition of thousands of vehicle trips through our neighborhoods. Numerous serious accidents have occurred at this exact spot, including a recent overturned semi-truck. This resulted in a road closure for hours, and traffic was routed through the streets of our tract of homes. The trucks will have no restrictions and will be routed through our residential streets to access the freeway. Currently, it is almost nearly impossible to access the 60 freeway with the existing volume of traffic. Jurupa Valley will have to pay for the damage to our streets because this out-of-state developer will take their money and run. We, as a community, should not pay the consequences for their profits.

NB-4 [ Thirty years ago, we bought a home where we would raise our family. We choose open space and a quiet neighborhood. We have maintained and improved our home over the years. We hiked the fields and hills with our children. We have worked hard and paid off our home for our retirement. We did our job. Warehouses were not part of the general plan that we bought into. Our investment

NB-4  
cont. | in our property value should be taken into consideration. Protect good, hardworking people like our neighbors and us, who deserve a decent place to live without the negative impact of this project. Protect the community from unnecessary development.

NB-5 | Respectfully, I request that this zoning change be denied. Also, the area of notification to neighboring housing should be increased to reflect the enormous impact of this project. 3.6 million square feet of warehousing should require a 3.6 million feet radius of landowners be notified surrounding this project. Furthermore, notices should be sent in English and Spanish to inform all the citizens affected. The public comment period should be extended to also reflect the enormity of the impact of these warehouses. Denial of the zone change is the only reasonable choice for the people of this area.

Thank you for your support,

Noreen Bills

## 2.3.5 Noreen Bills

### Response to Comment NB-1

This comment sets forth the commenter's planning opinions regarding the proposed project and raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR. The Land Use and Planning section of the EIR (4.2.10) clearly acknowledges the project site's location in proximity to adjacent residential uses.

### Response to Comment NB-2

SCAQMD's comment letter on the 2<sup>nd</sup> RDEIR is presented in full in Section 2.3.17 of the Final EIR. See Responses to SCAQMD Comments SCAQMD-1 through SCAQMD-19 for specific responses regarding air quality and health risk issues.

### Response to Comment NB-3

Traffic is analyzed in Section 4.2.15 of the 2<sup>nd</sup> RDEIR for both existing plus project and long-term cumulative conditions. A truck management plan is presented on page 3-9 of the 2<sup>nd</sup> RDEIR, which provides for routing truck traffic on secondary, major, and arterial highways, rather than on local residential streets. Starting on page 3-12 of the 2<sup>nd</sup> RDEIR is a discussion of how a property owners' association to which the City of Fontana would be a third party for enforcement purposes will be formed to ensure that project-generated trucks stay on the proposed truck routes. See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

### Response to Comment NB-4

This comment raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR, and thus a response is not warranted.

### Response to Comment NB-5

This comment sets forth the commenter's planning opinions regarding the proposed project, as well as opinions regarding provision of notice and raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR. The City of Fontana has provided notices in accordance with City policy and State law. The area for which public notices for West Valley Logistics Center meetings and availability of environmental documents has and will continue to comply with the requirements of State and local law. The City has included residents of the City of Fontana, City of Jurupa Valley, and unincorporated San Bernardino in its noticing for the project and the noticing area has been expanded to 1,320 feet. The City will provide all future public hearing notices in Spanish. Translation during the public hearing will not be available.

Comment Letter WWWD

**BOARD OF DIRECTORS**

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



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

**ADMINISTRATIVE STAFF**

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

March 21, 2018

Orlando Hernandez  
Planning Manager  
City of Fontana  
8353 Sierra Ave  
Fontana, CA 92335

**Subject: Response to Second Recirculated Draft EIR (2<sup>nd</sup> RDEIR) – West Valley Logistics Center**

Dear Mr. Hernandez,

Thank you for the opportunity to review the subject project.

We have reviewed the 2<sup>nd</sup> RDEIR and offer the following comments:

- WWWD-1 | 1. The District has existing water facilities within the footprint of the proposed development. The project will be required to relocate all existing facilities and install new facilities within public right-of-ways and dedicated easements approved by the District.
- WWWD-2 | 2. The proposed development will alter the existing drainage patterns of the District's R2-2 and R2-3 Reservoirs. The project will need to address the diversion or capture of the runoff from these sites.
- WWWD-3 | 3. The project will be required to perform off-site improvements on Santa Ana Ave in order to obtain the required fire flow for the project. This requirement must be reflected in Section 3.2.1 of the RDEIR.
- WWWD-4 | 4. The District owns a parcel (APN 0256-131-10) within the project area which extends from the R2-2 and R2-3 reservoir site easterly to Locust Ave. The RDEIR does not identify this parcel in any of the exhibits.
- WWWD-5 | 5. The RDEIR does not identify the West Valley Water District as a regulatory agency for water service in Section 1.6.4 Other Agency Uses.

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

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

- WWWD-6 | 6. If the project requires a fire pump system on site for any of the buildings; the applicant will be required to provide a tank of sufficient capacity into which the service pipes shall be discharged above the tank's maximum water level for each building. These details are to be submitted to the District with the formal plan check submittal.
- WWWD-7 | 7. A formal plan check submittal will be required to confirm that the locations and sizes of existing facilities meet the needs of the proposed development. Our plan check submittal requirements can be found on our website under the Engineering Department page.
- WWWD-8 | 8. The construction of all off-site water facilities shall be done in accordance with West Valley Water District's "Standards for Domestic Water Facilities".
- WWWD-6 | 9. The project will be required to pay all applicable fees as shown in Article 20 of the District's "Rules and Regulations."

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

Sincerely,

**WEST VALLEY WATER DISTRICT**

Daniel Guerra  
Engineering Development Coordinator



## 2.3.6 West Valley Water District

### Response to Comment WVWD-1

The City of Fontana concurs that the project will be required to place all existing on-site West Valley Water District (WVWD) facilities within public-rights-of-way or dedicated easements approved by the District. Physical environmental impacts needed to accomplish this are evaluated in Chapter 4 of the 2<sup>nd</sup> RDEIR.

### Response to Comment WVWD-2

A discussion of drainage patterns and the effects the project will have on such patterns is provided in the 2<sup>nd</sup> RDEIR starting on page 4.2.9-22. Any need for diversion or capture of runoff will be addressed in the drainage improvement plans that will be required prior to recordation of the Tentative Parcel Map.

### Response to Comment WVWD-3

Preliminary engineering studies prepared by the project engineer for the WVLCSP indicated the need for the water facilities identified in EIR Figure 3-5 and did not indicate a need for off-site water facilities. The need for off-site water facilities did not arise until receipt of the WVWD comment letter. In order to provide adequate fire flows, a 12-inch water line would need to be constructed within the existing right-of-way of Santa Ana Avenue between Alder Avenue and Locust Avenue.

This additional off-site improvement, whose need was not known at the time of EIR preparation, would not result in any significant impacts. Construction of this water line would occur completely within the existing right-of-way of Santa Ana Avenue, and would be subject to all of the same construction requirements set forth in the Specific Plan and EIR as would the construction of off-site sewer facilities described in the 2<sup>nd</sup> RDEIR.

The text of Section 3.2.1 is revised to read as follows:

#### **Off-site Areas Affected by the Project**

As part of the Specific Plan implementation, improvements would be required outside of the proposed project site as described below.

Off-site improvements on Linden Avenue (between Santa Ana and 11<sup>th</sup> Street) and on 11<sup>th</sup> Street (between Linden Avenue and Locust Avenue) would be constructed as part of the project, along with a new lift station on 11<sup>th</sup> Street at Linden Avenue. In addition, a 12-inch water line would be constructed as part of the project within Santa Ana Avenue between Alder Avenue and Locust Avenue. These off-site utility improvements would be required for implementation of the project and would be within existing public rights-of-way and existing utility easements. In addition, off-site roadway improvements will be provided as discussed in Section 3.4.3, *Circulation Improvements*, below. The primary off-site roadway improvements include widening and pavement improvements to Locust Avenue from Jurupa Avenue north to Slover Avenue and improvements along the south side of Jurupa Avenue from Locust Avenue east to Kessler Park.

Final designs of each improvement within unincorporated San Bernardino County would be coordinated with the County.

The text on page 4.2.11-33 of the 2<sup>nd</sup> RDEIR is revised to read as follows:

### **Off-site Construction Noise**

Off-site construction activities would consist of road widening and paving, construction of an off-site sewer lift station, ~~and~~ installation of sewer lines, and construction of an off-site water line as described in Chapter 3, *Project Description*. Peak noise levels for these off-site construction activities could reach 71.6 dBA  $L_{eq}$  at 50 feet for roadway construction and 68.2 dBA  $L_{eq}$  at 50 feet for sewer lift station construction and sewer line installation. While construction would be limited to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, between 8:00 a.m. and 5:00 p.m. on Saturdays, and at no time on Sundays and federal holidays, as provided in **Regulatory Requirement RR-N-1**, noise would be generated at sensitive off-site receptors along Locust Avenue and Jurupa Avenue in excess of 65 dBA  $L_{eq}$ .

The 2<sup>nd</sup> RDEIR concludes that construction noise impacts would be less than significant with implementation of applicable Specific Plan, Regulatory and, Standard Requirements, along with Mitigation Measure AQ-7.

In addition, Mitigation Measure AQ-9 prohibits construction activities associated with off-site utility and infrastructure improvements from occurring concurrently with site preparation, grading, building construction, architectural coating, or paving phases of activity. Because peak daily air quality and GHG impacts occur during those on-site construction and are far greater than off-site construction impacts, construction of a water line on Santa Ana Avenue would not increase the project's air quality or GHG construction impacts beyond those that were previously disclosed in the 2<sup>nd</sup> RDEIR.

### **Response to Comment WVWD-4**

The parcel cited in the comment is shown, but not specifically labeled as a separate parcel on EIR Figures 2-2 and 2-3.

### **Response to Comment WVWD-5**

Section 4.2.16 of the 2<sup>nd</sup> RDEIR clearly identifies the WVWD as the water purveyor for the project site. The WVWD is hereby added to the list of agencies identified in EIR Section 1.6.4.

#### **1.6.4. Other Agency Uses**

There are other various public agencies and jurisdictions that have a particular interest in the proposed project but have no discretionary authority or jurisdiction over it. The following agencies would serve only to review and comment on the technical information pertinent to each agency's specific field of interest and expertise.

- San Bernardino County Department of Public Works
- San Bernardino County Department of Public Health, Division of Environmental Health
- California Department of Toxic Substances Control
- South Coast Air Quality Management District
- City of Riverside Public Works Department

- City of Jurupa Valley Public Works Department
- West Valley Water District

### **Response to Comment WVWD-6**

Whether a fire pump system would be needed for any building within the project site, necessitating installation of a storage tank would be determined at such time as building permit and formal plan check application would be filed. All construction of the proposed project will comply with WVWD requirements.

### **Response to Comment WVWD-7**

Formal plan check submittal for the backbone water system will be made at such time as final water system plans are completed.

### **Response to Comment WVWD-8**

All water facilities constructed as part of the West Valley Logistics Center will comply with WVWD requirements.

### **Response to Comment WVWD-9**

All applicable fees levied by the WVWD will be paid to the District.





Mary D. Nichols, Chair  
Matthew Rodriguez, CalEPA Secretary  
Edmund G. Brown Jr., Governor

March 22, 2018

Mr. Orlando Hernandez  
Senior Planner  
City of Fontana  
Community Development Department  
Planning Division  
8353 Sierra Avenue  
Fontana, California 92335

Dear Mr. Hernandez:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the City of Fontana's (City) Recirculated Draft Environmental Impact Report (RDEIR) for the proposed West Valley Logistics Center Specific Plan, State Clearinghouse No. 2012071058 (Project). The proposed Project, located in the City of Fontana, includes the construction and operation of seven warehouse buildings, totaling 3,473,690 square feet, as well as general and specific plan amendments to change the existing land use designation from residential/planned community to industrial.

CARB staff has concerns with the air pollution impacts that would result should the City approve the proposed Project and a land use change from residential/planned community to industrial to build a large warehouse logistics center. Freight facilities, such as warehouse/distribution facilities, are frequented daily by volumes of heavy-duty diesel trucks and equipment that emit toxic diesel emissions and contribute to regional pollution, as well as global climate change. Residential homes are immediately adjacent to the east and south of the proposed Project site. In communities already impacted by diesel pollution from existing freight operations, the proposed land use change will exacerbate the adverse health impacts already experienced by these residents.

The RDEIR states that the proposed Project is inconsistent with the criterion outlined in the South Coast Air Quality Management District's (SCAQMD) 1993 California Environmental Quality Act (CEQA) Air Quality Handbook (see Chapter 12, Sections 12.2 and 12.3).<sup>1</sup> Accordingly, the proposed Project would have the potential to cause National Ambient Air Quality Standard or California Ambient Air Quality Standard violations. It would also result in growth not accounted for in the 2016 Air Quality Management Plan (AQMP). Therefore, the proposed Project has the potential to conflict with the 2016 AQMP, and a potentially significant air quality impact could

<sup>1</sup> <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

Mr. Orlando Hernandez  
 March 22, 2018  
 Page 2

CARB-2  
 cont.

result. The RDEIR further states that no feasible mitigation is available and therefore concludes that impacts associated with the proposed Project would be significant and unavoidable. This conclusion is not accurate.

*Fundamental Inadequacies in the Proposed Project's Impact Assessment*

CARB-3

CARB staff finds that the RDEIR fails to adequately assess health and air quality impacts, and potentially underestimates daily truck traffic. Specifically, the RDEIR's health risk assessment (HRA) does not follow the methodology outlined in the 2015 Guidance Manual for the Preparation of Health Risk Assessments (2015 Guidance), prepared by the Office of Environmental Health Hazard Assessment.<sup>2</sup> The 2015 Guidance methodology applies age-sensitivity factors and higher breathing rates to estimate air toxics exposure in children, which results in higher risk. Therefore, the maximum incremental cancer risk attributable to the proposed Project's diesel particulate matter (DPM) risk of 3.79 in a million, as presented in the RDEIR, is likely underestimated.

CARB-4

Furthermore, the DPM emissions used to evaluate the health risk are also likely underestimated. The DPM emissions were calculated using truck trip estimates based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (9<sup>th</sup> Edition, 2012). The 2012 9<sup>th</sup> Edition does not factor in variations of daily truck trips for operational differences in varying types of high-cube warehouses (i.e. transload, fulfillment center, cold storage, or parcel hub), as outlined in the High-Cube Vehicle Trip Generation Analysis, prepared by ITE for the SCAQMD (October 2016). Therefore, the estimated 2,432 truck trips per day presented in the RDEIR may be too low, which would result in an underestimation of DPM.

CARB-5

Moreover, the RDEIR fails to adequately evaluate DPM from transport refrigeration units (TRUs) associated with cold storage or climate-controlled facilities. The RDEIR indicates the proposed Project could include up to 5 percent of the total warehouse space for climate-controlled operations based on the real estate broker's (Lee & Associates) current tenancy for other properties under their control. Based on the modeling inputs, TRU emissions were not included in the modeling assumptions. The DPM emissions and health risk associated with cold storage operations (versus a dry storage warehouse of similar size) could be 60 percent higher.

CARB-6

Finally, the RDEIR fails to analyze air quality and health impacts where construction activities overlap with operational activities.

<sup>2</sup> <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>

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*The RDEIR Fails to Impose Feasible Mitigation Measures*

CARB-7 | The RDIER concludes that construction and operational NOx emissions will remain significant and unavoidable, as well as operational volatile organic compounds and greenhouse gases, with mitigation. Even where impacts will remain significant and unavoidable after mitigation, CEQA nevertheless requires that all feasible mitigation measures be incorporated (see Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b)). Therefore, if the City approves the proposed Project and land use change, despite the issues raised in this letter, the mitigation measures outlined in the attachment should be incorporated into the Final EIR.

*Reducing Impacts to Overburdened Communities*

CARB-8 | The State of California has recently placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those near the proposed Project. The 44 acres surrounding Buildings 6 and 7 are located in a designated disadvantaged community, as defined by the California Environmental Protection Agency (CalEPA). Furthermore, the adjacent communities south and southeast of the proposed Project are disadvantaged communities. CalEPA defines a disadvantaged community as a community that scores within the top 25 percent of all census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen identifies California communities that are disproportionately burdened by multiple sources of pollution.

To that end, we urge you to ensure that the community is not adversely impacted by the proposed Project and land use change. The latest health science tells us that we must be even more vigilant to protect children, who experience higher doses and are more sensitive to air pollution than previously understood.

CARB-9 | If the Lead Agency chooses to approve the proposed land use change and Project, despite the flaws in the analysis and the acknowledged air quality impacts, the Final EIR needs to include substantial air quality mitigation by employing all feasible zero and near-zero emission technologies, and other reduction strategies. Our attached comments on the proposed Duke Warehouse Project in Perris, California

CARB-10 | (Elizabeth Yura to Nathan Perez, February 24, 2017, see sections titled "Project Design Features and Mitigation Measures" and "Other Recommendations") provide viable options to increase the mitigation for warehouse projects. Additionally, given the RDEIR

Mr. Orlando Hernandez  
March 22, 2018  
Page 4

assumed that up to 5 percent of the facility could be cold storage operations, the City should include this restriction as part of a conditional use permit.

CARB staff appreciates the opportunity to comment on the RDEIR for the proposed Project and is able to provide assistance to you in identifying zero and near-zero technologies and emission reduction strategies. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the Final Environmental Impact Report.

If you have questions, please contact Robbie Morris, Air Pollution Specialist, Exposure Reduction Section at (916) 327-0006 or via email at [robbie.morris@arb.ca.gov](mailto:robbie.morris@arb.ca.gov). You may also contact me at (916) 322-8285 or via email at [richard.boyd@arb.ca.gov](mailto:richard.boyd@arb.ca.gov).

Sincerely,



Richard Boyd, Chief  
Risk Reduction Branch  
Transportation and Toxics Division

Attachment

cc: See next page.

Mr. Orlando Hernandez  
March 22, 2018  
Page 5

cc: Morgan Capilla  
Environmental Review Section  
United States Environmental Protection Agency  
Region 9  
75 Hawthorne Street, ENF-4-2  
San Francisco, California 94105-3920

David Pettit  
Natural Resources Defense Council  
1314 2<sup>nd</sup> Street  
Santa Monica, California 90401-1103

Ester Portillo-Gonzales  
Programs Manager  
Center for Community Action and Environmental Justice  
P.O. Box 33124  
Riverside, California 92519-0124

Lijin Sun  
Program Supervisor-CEQA  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765-4182

State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

## 2.3.7 California Air Resources Board

### Response to Comment CARB-1

While it is recognized that the CARB Handbook (April 2005) recommends a buffer distance of at least 1,000 feet between land uses that will generate/attract 100 or more trucks per day, CARB's own guidance acknowledges that the 1,000-foot buffer distance is advisory only, and that projects should determine the *actual* risk near a particular facility (see page 5 of the Handbook). The Handbook further states that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists."

The 2<sup>nd</sup> RDEIR and its technical studies—which includes an air quality impact analysis and an HRA—fill in that data gap with project-specific information and are actually consistent with the CARB Handbook. The 2<sup>nd</sup> RDEIR includes a site-specific HRA based on the geospatial location of the proposed project, existing sensitive land uses in the vicinity of the project site and the truck travel routes that are expected to be utilized. As disclosed in the 2<sup>nd</sup> RDEIR, the project would not pose a significant health risk associated with DPM to sensitive receptors in the project vicinity. Therefore, an additional buffer beyond the buffer already provided by the project is not warranted.

As discussed in Response to comment CARB-3, the project's HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition) as well as the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures. That analysis confirmed that the findings of the 2<sup>nd</sup> RDEIR project's health risk impacts would be less than significant.

### Response to Comment CARB-2

Although this comment asserts that the EIR does not include feasible mitigation to reduce these impacts, the 2<sup>nd</sup> RDEIR does, in fact, include robust mitigation measures and incorporates all feasible mitigation measures. It should be noted that the majority of emissions associated with the project are a result of heavy-duty diesel trucks accessing the site. As CARB is aware, the project nor City of Fontana have the regulatory authority to regulate tailpipe emissions beyond the measures already identified in the 2<sup>nd</sup> RDEIR. The CARB provides no recommendations of additional mitigation measures that can and should be implemented. See also Response to Comment BC-3.

### Response to Comment CARB-3

The project's HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition) as well as the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures.

The inhalation rates in the revised HRA are consistent with the SCAQMD's Rule 1401 guidance, specifically the SCAQMD's Permit Application Package "M," Table 9.1 (page 36).

Pursuant to Specific Plan Requirements SP-AQ-3, as revised, trucks accessing the project would be required to meet or exceed a 2010 model year engine standard. As such, a 2018 EMFAC 2014 run was conducted for 2010 and better trucks. The emissions average conservatively includes a static 2018 analysis year for model year 2010 and better trucks for the entire duration of analysis herein (e.g., 30 years). Use of 2018 emission factors would overstate potential impacts since this approach

assumes that emission factors remain “static” and do not change over time due to fleet turnover or cleaner technology with lower emissions that would be incorporated after 2018. Additionally, based on EMFAC2014, Light-Heavy-Duty Trucks comprise 68 percent diesel, Medium-Heavy-Duty Trucks comprise 94.36 percent diesel, and Heavy-Heavy-Duty Trucks comprise 99.7 percent diesel trucks and have been accounted for accordingly in the emissions factor generation.

The following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the site: 16.73 percent of the total trucks as 2-axle trucks, 20.7 percent of the total trucks as 3-axle trucks, and 62.57 percent of the total trucks as 4+-axle trucks.

Assuming 15 minutes of idling per truck, at the MEIR, the maximum incremental cancer risk attributable to project DPM source emissions is estimated at 9.59 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0027, which is well below the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to adjacent residences. The less than significant finding is consistent with the analysis presented in the 2017 HRA Study and 2<sup>nd</sup> RDEIR and thus no new significant impacts would occur.

Assuming 9 minutes of idling per truck, at the MEIR, the maximum incremental cancer risk attributable to project DPM source emissions is estimated at 9.03 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0025, which is well below the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to adjacent residences. The less than significant finding is consistent with the analysis presented in the 2017 HRA Study and 2<sup>nd</sup> RDEIR and thus no new significant impacts would occur.

### **Response to Comment CARB-4**

See Response to Comment CARB-3. The HRA has been revised using the latest ITE *Trip Generation Manual* methodology (10<sup>th</sup> Edition). As discussed above, there are no changes to the conclusions with the use of the latest ITE *Trip Generation Manual* methodology.

### **Response to Comment CARB-5**

No refrigerated warehouse use is planned, and as such, refrigerated warehouse use is not analyzed in the Air Quality Study or HRA. All references to refrigerated warehouse use in the 2<sup>nd</sup> RDEIR will be stricken from the Final EIR. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

### **Response to Comment CARB-6**

The comment states that the peak daily emissions associated with the Project were not adequately calculated because the emissions for construction and operation were calculated separately. Pursuant to the SCAQMD CEQA Air Quality Handbook, the recommended approach to calculate proposed emissions for criteria pollutants is to quantify construction and operation emissions separately and compare each to the applicable construction and operational thresholds of significance (Chapters 6 and 9 of the CEQA Handbook). To the City's knowledge, the SCAQMD has not developed or published combined construction and operational emission significance thresholds, with the exception of its December 5, 2008 adoption of a GHG Significance Threshold for certain projects where SCAQMD is the lead. There, the construction emissions are amortized over 30

years and added to the operational emission. Additionally, the SCAQMD did not make a request for this type of combined assessment in its comments on the Project NOP, the original DEIR, or the 1st Recirculated DEIR.

Furthermore, grading (which is when peak construction emissions occur) would not overlap with any operational phase of the Project since the site will be mass graded in its entirety prior to initiating any operations. Additionally, the specific phasing of individual buildings cannot be known at this time and it would therefore be speculative to determine what phase(s) of building construction might have the potential to overlap with on-going operations of which buildings within the Project site.

### **Response to Comment CARB-7**

The comment requests that the City accelerate the use of zero and near-zero emission technologies and implement other reduction strategies to reduce emissions. The commenter includes an attachment, a Notice of Preparation comment letter prepared for a warehouse building project in the City of Perris, to show specific examples of emission reduction strategies. Provided examples include:

- Zero and near-zero emissions technologies such as electric forklifts,
- Infrastructure for zero and near-zero technologies,
- Compliance with the State Heavy-Duty Greenhouse Gas regulation,
- A requirement that all medium-heavy and heavy-heavy duty trucks to meet or exceed the 2010 emissions standards, and
- Tier 3 and 4 engines for construction equipment.

The project will comply with all applicable state regulations, including the State Heavy-Duty Greenhouse Gas regulation. In terms of plug-in capabilities for truck refrigeration units, the project would include the development of concrete tilt-up warehouse facility shell buildings that would not be refrigerated. As stated in Response to Comment CARB-5, no refrigerated warehouse use is planned. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

The project already requires all on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) and all on-site indoor forklifts to be powered by electricity (see SP-AQ-6).

Additionally, the project includes a requirement that restricts trucks to meet 2010 emissions standards at the facility (see SP-AQ-3, as revised in Response to Comment EEJG-30).

The project also includes a requirement for the use of Tier 4 and Tier 3 construction equipment (see MM-AQ-2).

### **Response to Comment CARB-8**

AB 617 (Garcia) was signed into law on July 26, 2017 and includes the following provisions, none of which are relevant to the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

- AB 617 requires the CARB to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants (TACs) for use by certain



categories of stationary sources. The bill would require those stationary sources to report their annual emissions of criteria air pollutants and TACs.

This provision sets forth a requirement for CARB and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

- AB 617 would also require the CARB to prepare a monitoring plan of technologies for monitoring criteria air pollutants and TACs and the need for and benefits of additional community air monitoring systems by October 1, 2018. The CARB is also required to select the highest priority locations in the state for the deployment of community air monitoring systems, based on the monitoring plan. Any air district containing a selected location would be required to deploy a system in the selected location by July 1, 2019. AB 617 authorizes such an air district to require a stationary source that emits air pollutants in, or that materially affects, the selected location to deploy a fence-line monitoring system or other real-time, on-site monitoring. By January 1, 2020, and annually thereafter, the CARB would be authorized to select additional locations for the deployment of the systems. Air districts that have deployed such a system would be required to provide to the state board air quality data produced by the system. AB 617 requires the state board to publish the data on its internet web site.

This provision sets forth a requirement for CARB, and potentially for the SCAQMD, and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

- By October 1, 2018 and at least once every 5 years, AB 617 requires the CARB to prepare and update, a statewide strategy to reduce emissions of TACs and criteria pollutants in communities affected by a high cumulative exposure burden. The state board is required to select locations around the state for the preparation of community emissions reduction programs, and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. AB 617 requires an air district containing a selected location, within one year of the state board's selection, to adopt a community emissions reduction program.

This provision sets forth a requirement for CARB, and potentially for the SCAQMD, and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

- AB 617 also requires a district that is in nonattainment for one or more air pollutants, such as the SCAQMD, to adopt an expedited schedule for the implementation of best available retrofit control technology, as specified. AB 617 require the schedule to apply to each industrial source that, as of January 1, 2017, was subject to a specified market-based compliance mechanism and give highest priority to those permitted units that have not modified emissions-related permit conditions for the greatest period of time.

This provision potentially sets forth a requirement for the SCAQMD and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

- AB 617 requires CARB to establish and maintain a statewide clearinghouse that identifies the best available control technology, best available retrofit control technology for criteria air pollutants, and related technologies for the control of TACs.

This provision sets forth a requirement for CARB and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

The City of Fontana recognizes that adjacent communities are located in proximity to industrial areas, freeways, rail lines, and other sources of pollution. The HRA prepared for the WVLCSP demonstrates a less than significant health risk impact on those communities.

### **Response to Comment CARB-9**

As discussed in Response to Comment CARB-7, requirements similar to those suggested for the Duke warehouse in Perris are already requirements of the West Valley Logistics Center. In addition, as discussed in Response to Comment CARB-3, the projects health risk impacts using 2015 OEHHA Guidance and 10<sup>th</sup> Edition ITE truck generation rate would be less than significant.

### **Response to Comment CARB-10**

See Response to Comments CARB-5 and CARB-7.

### **Response to Comment CARB-11**

See Response to Comment CARB-7.

Comment Letter CJV

# City of Jurupa Valley

Micheal Goodland, Mayor. Brian Berkson, Mayor Pro Tem.  
 Anthony Kelly Jr., Council Member. Laura Roughton, Council Member. Verne Lauritzen, Council Member

March 22, 2018

Orlando Hernandez, Senior Planner  
 City of Fontana  
 Planning Department  
 8353 Sierra Avenue  
 Fontana, CA 92335

RE: Comments on the Second Recirculated Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan (February 2018)

Dear Mr. Hernandez:

CJV-1 | The City of Jurupa Valley appreciates the opportunity to comment on the Second Recirculated Draft Environmental Impact Report ("2<sup>nd</sup> RDEIR") for the West Valley Logistics Center Specific Plan ("Project") located in the City of Fontana. We believe the 2<sup>nd</sup> DEIR does not adequately address the impacts of development of the Project, including most notably, impacts on the City of Jurupa Valley, which is located immediately adjacent to the Project site.

A Draft EIR for the Project was originally made available for public comment beginning on April 22, 2014, and ending on June 5, 2014. Based on the comments received by the City of Fontana during the public review period, the Draft EIR necessitated the inclusion of new information, and thus required recirculation of the entire Draft EIR.

CJV-2 | A Recirculated Draft EIR (1<sup>st</sup> RDEIR) was made available for public comment beginning on December 18, 2014, and ending on February 2, 2015. Based on the comments received by the City of Fontana on the 1<sup>st</sup> RDEIR, the applicant agreed to revisions to the proposed Project in relation to the routing of trucks between the Project site area freeways.

As permitted by CEQA Guidelines Section 15088.5 (f)(1), because the entirety of the Draft EIR and the 1<sup>st</sup> RDEIR have been recirculated, the City of Fontana has chosen not to provide written responses to comments received during either of the two earlier circulation periods. Pursuant to the provisions of CEQA Guidelines Section 15088.5(f)(1), although the comments received during the original Draft EIR and 1<sup>st</sup> RDEIR public review periods will be part of the administrative record for the Project, the City of Fontana will not be preparing written responses to those comments in the Final EIR. Therefore, new comments must be submitted for the 2<sup>nd</sup> RDEIR, and the City of Fontana will prepare written responses only to those comments submitted in Response to the 2<sup>nd</sup> RDEIR.

CJV-3 | We understand that the City's previous comments on the Draft EIR and the 1<sup>st</sup> Recirculated EIR will not be responded to, but will be included in the administrative record for the Project. This letter serves as the City of Jurupa Valley's comments on the 2<sup>nd</sup> RDEIR. We believe the comments included in the attached

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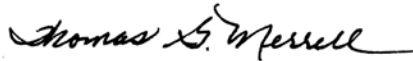
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cont.

chart constitute and/or will result in the addition of "significant new information" and potentially new significant impacts that were not disclosed in the 2<sup>nd</sup> DEIR. Therefore, the 2nd Recirculated Draft EIR should be revised and recirculated for additional comments. The City of Jurupa Valley also wishes to be kept on the list of interested parties to receive copies of all notices (including Notices of Determination) regarding the project.

If you have any questions concerning this response, please contact me at (951) 332-6464 or by email at [tmerrell@jurupavalley.org](mailto:tmerrell@jurupavalley.org). You may also contact the City's CEQA Administrator Ernest Perea at (951) 823-0432 or by email at [eperea@jurupavalley.org](mailto:eperea@jurupavalley.org).

Sincerely,



Thomas G. Merrell, AICP  
Planning Director

cc: Gary S. Thompson, City Manager  
George Wentz, Deputy City Manager  
Peter Thorson, City Attorney  
Vicki Wasko, City Clerk  
Steve Loriso, City Engineer  
Ernest Perea, CEQA Administrator

Attachment: Comment Chart

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**City of Jurupa Valley Comments on the 2<sup>nd</sup> Recirculated Draft Environmental Impact Report  
 for the  
 West  
 Valley Logistics Center Specific Plan.  
 March 22, 2018**

	Section	Page	Comment
	<i>Note: The following comments under "General Comment-Transportation and Traffic" are based on Appendix L of the 2<sup>nd</sup> DEIR. This information was carried forward into the EIR analysis under Section 4.15- Transportation and Traffic.</i>		
CJV-4	General Comment Transportation and Traffic	TIS Page 3	The traffic study (TIS) identifies the Project opening year as 2018. Since that is the current year, the project opening will be well after that date. Since the TIS was revised in late 2017, the Project opening date should have been changed to at least 2020. Using the unrealistic opening year minimizes the Project's impact by not forecasting higher traffic volumes for a more likely opening year.
CJV-5	General Comment Transportation and Traffic	TIS Page 5	The TIS incorrectly states that the City of Jurupa Valley has a 50 trip threshold for determining if an intersection is required to be analyzed. The condition listed in the City's Traffic Impact Analysis Guidelines states that the "study area should be at a minimum those intersections where the project generates 50 peak-hour trips". It does not state that intersections where 50 trips are not generated are not required to be analyzed.
CJV-6	General Comment Transportation and Traffic	TIS Various Pages	The TIS proposes roadway improvements to improve conditions under the Existing Conditions scenario. It is unclear as to why this is being proposed.
CJV-7	General Comment Transportation and Traffic	TIS Page 15	The impacts identified at the two intersections of Rubidoux Boulevard with 24th and 26th Streets are project-specific impacts and not cumulative impacts.
CJV-8	General Comment Transportation and Traffic	TIS Page 16	The mitigation measures proposed for the two intersections of Rubidoux Boulevard with 24th and 26th Streets are to install traffic signals at both locations. However, based on the traffic signal warrant analyses the intersections barely or do not meet the minimum volume threshold warrants for a traffic signal presented in the report. The document needs to identify what traffic signal warrant the preparer is using to justify the installation of these traffic signals.
CJV-9	General Comment Transportation and Traffic	TIS Table 1-4, Page 25	The TIS identified traffic mitigation for the Rubidoux Boulevard and SR-60 ramp intersections. However, the Riverside County Transportation Department is currently conducting a PSR for a new interchange at that junction. The TIS makes no mention of the RCTD study nor references the preferred alternative as part of future improvements. This future interchange configuration needs to be included in the analyses and discussions.
CJV-10	General Comment Transportation and Traffic	TIS Page 42	The description of the 95th percentile cycle length as being the length observed on the 95th busiest cycle out of 100 is incorrect. As noted elsewhere in the report, the 95th percentile queue is a statistical value. It is not driven by the number of vehicles or

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CJV-10 cont.			busiest cycle. While we understand the attempt to provide a simplified explanation of statistical results, the one provided is incorrect and should be removed.
CJV-11	General Comment Transportation and Traffic	TIS Pages 45-46	<p>In Section 2.3 the discussion of queue spill back is incorrect. While an adjacent lane may appear to have adequate unused stacking space based on its analysis results, that space is not realistically available for the adjacent lane.</p> <p>An example is the WB approach of the Valley Way off ramp on SR-60. The analysis results indicate that there is adequate space for stacking vehicles assuming shared storage space. However, under existing conditions the line of vehicle will queue back onto the highway mainline due to vehicles not entering all "potentially available" lanes. It is also incorrect to state that "actual queue may be longer." At a minimum these intersection approaches require additional review to determine why the note is being provided by the analysis software and if correct, what options are available to address the queue spillage.</p> <p>The explanation of the relationship between 95th and 50th percentile queue lengths is also incorrect. Since some values provided by the Synchro and SimTraffic programs are statistically driven the results may not correlate well to each other on the surface. The difference though is not due to upstream metering of traffic. This incorrect statement needs to be stricken from the report.</p>
CJV-12	General Comment Transportation and Traffic	TIS Page 46	Note that the California Manual on Uniform Traffic Control Devices (CAMUTCD) is not a supplement document to the FHWA MUTCD as stated, but is its own stand along document based on the national manual.
CJV-13	General Comment Transportation and Traffic	TIS Table 1-5 Pages 30-34	The Project's fair share is based on the AM and PM peak hour traffic volumes listed in the table. However, much of the traffic generated by a development of this type is generated during off-peak hours as most of the trucks arrive and depart during the midday and employees for these facilities start and end their work shift earlier than typical office or commercial developments. Therefore, the percentage share based on daily traffic generation may be a better estimate of the Project's true share of traffic on streets in the area.
CJV-14	General Comment Transportation and Traffic	TIS Page 65	Note that Pacific Avenue does not start until south of 20th Street on the east side of Armstrong Road. The report lists the street as Pacific Avenue instead of Sierra Road/Pacific Avenue.
CJV-15	General Comment Transportation and Traffic	TIS Page Various	The capacity analyses prepared for the study does not use consistent traffic signal cycle lengths and assumptions between traffic signals within the same corridors and especially, at some locations that are already interconnected and running synchronized timings. While this practice may lead to what are

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CJV-15 cont.			claimed to be "optimized" signal timings, the actual result is that queue lengths are increased and overall system delay is increased due to non-progressive traffic movement. This issue needs to be corrected as the results presented do not represent real-world values at many of the interconnected corridor locations.
CJV-16	General Comment Transportation and Traffic	TIS Tables 6-5 and 7-5	<p><u>Intersection 32:</u> Armstrong Road/Sierra Avenue The City of Jurupa Valley has a CIP project to study and install two roundabouts, one on Armstrong Road and one on Sierra Avenue, north of this intersection. As part of that development and future compliance with Complete Streets, Armstrong Road will be maintained as a two-lane roadway with a median turn lane, parking, and bike lanes. The compatibility of this configuration with future traffic volumes will be reviewed and if it is deemed that the volume of traffic is not compatible with this configuration, measures to restrict the volume of traffic on Armstrong Road north of Sierra Avenue.</p> <p><u>Intersections 32, 34, 35, 37 and 39:</u> All improvements and mitigation measures at these intersections needs to be consistent with the City's identified capital project for the Valley Way Corridor. In addition, later measures in the report state that the Project will undertake a study of the SR-60/Valley Way interchange to identify options for feasible mitigation and interchange alternatives. It needs to be identified how the mitigations measures proposed that would require reconstruction of the interchange are considered feasible if a future configuration has not been identified. All near-term improvements must be compatible with longer-term efforts to minimize any "throw-away work" that may be installed in the interim.</p> <p><u>Intersection 37:</u> Valley Way/Mission Boulevard: The City does not support 3 TH lanes on the NB approach of this intersection. Widening to that extent would require the south approach to be 7 to 8 lanes wide and would still be the minor intersection approach. This intersection has a substantial volume of walking activity and the proposed widening would be problematic for pedestrian activity and be inconsistent with the City's General Plan cross-section for this roadway. As noted above, a future configuration for the Valley Way/SR-60 interchange needs to be determined before near-term improvements are confirmed in this area.</p> <p><u>Intersection 39:</u> SR-60/Byrne Road/Mission Boulevard: The proposed widening of the EB off-ramp from SR-60 may not be feasible due to the horizontal curvature limits between the future lanes on SR-60 and Mission Boulevard. This design needs to be reviewed to determine if the proposed improvements are in fact feasible.</p>
CJV-17			
CJV-18			
CJV-19			

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CJV-20			<p><i>Intersection 53:</i> Rubidoux Boulevard/Market Street The City has identified a project to install a second WB LT lane at this location. The proposed configuration in the report is not consistent with that configuration. <i>Intersection 56:</i> Rubidoux Boulevard/28th Street The report proposes adding EB and WB LT lanes to 28th Street. The intersection is currently signalized and there is existing development close to the intersections. Based on a review of the capacity analyses it is not clear why these turn lanes are proposed. The preparer needs to clarify this.</p>
CJV-21			<p><i>Intersection 61:</i> Agua Mansa Road/Market Street The proposed second EB LT lane proposed will not fit at this location based on current development and available right-of-way It is important that "feasible" improvements include that right-of-way necessary to construct the improvements is available without substantial property acquisition. It is also important to note that the Cities of Riverside and Jurupa Valley and the County of Riverside are currently designing the widening of the Market Street bridge over the Santa Ana River. Since the Project is proposing to route a substantial volume of truck traffic along this corridor, a fair share contribution towards this project is appropriate.</p>
CJV-22	General Comment (Urban Decay)		<p>The EIR must consider whether the development of a significant industrial development will have the effect of creating an area of blight in nearby residential areas, including the Sunnyslope and Rio Vista Specific Plan areas.</p>
CJV-23	Aesthetics	EIR Page 4.2.1-3	<p>The visual character of the Project vicinity is characterized by sloped natural areas with native vegetation (such as coastal sage scrub), single-family residential neighborhoods, a tree nursery, paved roadways, mature street trees, overhead utility improvements, and undeveloped, partially graded and disturbed areas.</p> <p>The analysis in the EIR asserts that the change in visual character as a result of the Project is less than significant because design features, such as screening, landscaping etc. are required which would make the industrial uses proposed by the Project compatible with the surrounding area which is primarily residential in nature with large areas of vacant land (including designated Open Space land). In order to implement the Project, a general plan amendment is required to change the underlying land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi Family Residential (R-MF), Public Facilities (P-PF), and Recreational Facilities (P-R), to Light Industrial (I-L) and Open Space (OS).</p> <p>The change in the visual character of the site would constitute a</p>

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CJV-23 cont.			significant alteration of the existing visual character of the Project site, regardless of the architectural treatment, landscaping, and overall appearance of new uses on the site. This is a <b>significant and unavoidable impact</b> that should be disclosed in the EIR.
CJV-24	Air Quality	EIR Page 4.2.2-8 Table 4.2.2-1	The table describes "Residences Along Armstrong Rd. 250 ft. from project's southern boundary." However, the project's traffic (especially large trucks) will impact residential sensitive receptors which extend from the Project's southern boundary along Armstrong Road and Valley Way all the way to SR-60. To accurately describe air quality impacts, the list of sensitive receptors must include all the residential uses along Armstrong Road/Valley Way as well as the planned residential and elementary school sites within the Rio Vista Specific Plan area. The failure to include this information precludes informed decision-making and informed participation by the public.
CJV-25	Air Quality	EIR Page 4.2.2-17 - 4.2.2-18	<p>The EIR states: "A Health Risk Assessment (HRA) was prepared to <i>evaluate proposed project--related impacts to sensitive receptors (residential, schools) and adjacent workers as a result of exposure to DPM generated from heavy-duty diesel trucks accessing the site (Appendix G). Exhibit 2-D in Appendix G identifies "Modeled Truck Emissions" and "Modeled Receptor Locations."</i> As it pertains to Armstrong Road/Valley Way to SR-60 south of the Project site, the "Modeled Truck Emissions" as shown in Exhibit 2-D do not extend south of the Project site although sensitive residential receptors are located all along Armstrong Road/Valley Way to SR-60. In addition, the "Modeled Receptor Locations" do not extend south of Sierra Avenue and Armstrong Road although there are sensitive receptors that will be impacted by the project along Armstrong Road/valley Way south of Sierra Avenue.</p> <p>The EIR further states: "<i>The modeled truck travel routes included in the HRA analysis were based on the truck trip distributions (inbound and outbound) available from the proposed project's Traffic Impact Analysis (TIA).</i>" Figure 4.2-15 of the EIR shows that 29% to 30% of the vehicle traffic (including trucks) will travel south from the project site on Armstrong Road/Valley Way to SR-60.</p> <p>Based on the above, the analysis in the EIR is not clear with respect to the health risk impacts imposed by the project on the sensitive residential receptors along Armstrong Road/Valley Way from the southerly project boundary to SR-60. The failure to include accurate information precludes informed decision-making and informed participation by the public.</p>
CJV-26	Air Quality	EIR Page 4.2.37	Mitigation Measure AQ-6 is not sufficiently detailed or enforceable. The mitigation measure must describe how the 5 minute idling limit for trucks will be enforced. Also, is this 5

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	Section	Page	Comment
CJV-26 cont.			minutes for each truck's visit to the site? Is this 5 minutes per hour? This mitigation measure needs to be more specific and must include an enforcement mechanism in order to be adequate under CEQA.
CJV-27	Noise	EIR Page 4.2.11-60	<p>The EIR states that <i>"Operational impacts of the proposed project would occur from loaded trucks accessing the site on local roadways. Sensitive receptors would be located along the proposed truck routes and could be within 50 feet of the loaded trucks. Vibration levels from loaded trucks would be around 0.076 PPV at a distance of 25 feet. Vibration levels would attenuate to 0.03 PPV at a distance of 50 feet. Vibration levels of this magnitude would be just above the threshold of perception and would not cause damage to structures in the area. Because the predicted vibration levels from project operations would be at or below the threshold of perception, impacts from groundborne vibration or groundborne noise would be less than significant."</i></p> <p>The EIR should clarify the statement "sensitive receptors would be located along the proposed truck routes." Is Armstrong Road considered a "truck route"? The EIR must discuss the vibration impacts to sensitive receptors along Armstrong Road/Valley Way since this roadway serves as a connector to SR-60 to the south and is a major entry to the Project site.</p>
CJV-28	Recreation	EIR Page 4.2.14-8,9	<p>The EIR states: <i>"The Jurupa Hills Trail, a regional trail, traverses portions of proposed Parcels 4, 5, 6, and 8 through the project site. Implementation of the proposed project could result in the alteration of this trail, potentially prohibiting access. However, the alignment of this trail appears to use the existing utility easement (shown on Tentative Parcel Map 19156 as granted to the Southern Sierras Power Company) that defines the shared boundary between proposed Parcels 5 and 6. Therefore, no development would occur within the utility easement and the trail would not be affected by the proposed WWLCSP. The Jurupa Hills Trail alignment would be surveyed to confirm the trail's precise location and ensure no project-related development would affect the trail."</i></p> <p><i>"Specific Plan Requirement SP-R-1 would confirm the precise location of the trail and would maintain access to existing trails within the project site boundaries. If any portion of the trail is outside of the existing utility corridor between proposed Parcels 5 and 6, the trail would need to be realigned to be off private property and within the utility corridor to avoid disruption or discontinuation of trail use, which would be implemented by Mitigation Measure REC-1."</i></p> <p><b><i>"Mitigation Measure REC-1: Jurupa Hills Trail Realignment</i></b></p>

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	Section	Page	Comment
CJV-28 cont.			<p><i>Plan. Any realignment of the Jurupa Hills Trail as a result of the proposed project will be submitted by the applicant to the County of San Bernardino prior to or concurrent with review of the proposed WWLCSP Tentative Parcel Map(s). As a portion of the Jurupa Hills Trail is located within the project site, on private land and not entirely within a utility corridor or public lands, the trail will be realigned so as to be within the utility corridor easement in the southeastern portion of the WWLCSP project site, between proposed Parcels 5 and 6. The applicant will also submit plans for review and approval and will coordinate with utility companies regarding any change to the existing easement, specifically if any sort of development is proposed within the easement, including roadways, buildings, and accessory structures. For compliance, the applicant will provide proof to the City of Fontana Community Development Department of the County's approval for the alignment shift prior to Tentative Parcel Map recordation."</i></p> <p>The project entitlements include a Tentative Parcel Map and Site Plan and Design Review. The impacts to the Jurupa Hills Trails should be known at this time and disclosed in the EIR. Mitigation Measure REC-1 appears to defer the disposition of the Jurupa Hills Trail to a later date. The failure to include this information precludes informed decision-making and informed participation by the public.</p>
CJV-29	Transportation and Traffic	EIR Page ES-60 TIS Page 96 and later	The EIR states that there is no "feasible mitigation" along the SR-60 mainline, so none is proposed. However, later the report evaluates an improvement scenario for the I-10 corridor that would add lanes. Caltrans has identified lane improvements required to address future traffic conditions along the SR-60 corridor. The preparer needs to explain why those improvements have not been considered in this analysis, yet improvements along the I-10 corridor have been included.
CJV-30	Transportation and Traffic	EIR Page ES-61	The EIR states that transportation improvements within the City of Fontana that will mitigate all impacts will be constructed, but makes no mention of fair-share payments to or construction of improvements within the adjacent communities
CJV-31	Transportation and Traffic	EIR Page 3-9 TIS Tables 1-2 and 1-3 Page 9	The EIR states that trucks to and from SR-60 will be routed via Rubidoux Boulevard, but there are no analyses of the westbound ramps at Rubidoux Boulevard or the highway mainline between Market Street and Rubidoux Boulevard. While it is proposed that signing directing trucks to use Market Street to and from the east to access the WWLC will be installed, given the projected congestion and delays it is very likely that trucks will use the westbound Rubidoux Boulevard ramps as a more direct access route to the City of Fontana from SR-60.
CJV-32	Transportation and Traffic	EIR Pg. 3-9 and	The EIR states that 12 percent of the Project's trucks will arrive from the west via SR-60 and are routed along Rubidoux

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	Section	Page	Comment
CJV-32 cont.		Figures 4.2.15-8a thru 8c TIS Figure 4-2	Boulevard. However, no outbound trucks are shown to use that route even though the EIR discusses signing that would do just that. This appears to be a major error in the analysis and significantly underestimates the Project's impact on the Rubidoux Boulevard corridor.
CJV-33	Transportation and Traffic	EIR Page. 3-10 TIS Pages 38-42	None of the Site Access geometrics identify measures to prohibit trucks from using Armstrong Road to travel to and from the south in Jurupa Valley. The EIR discusses signing and other measures to "discourage" drivers from using Armstrong Road, but stops short of measures to prohibit the use of that street in Jurupa Valley.
CJV-34	Transportation and Traffic	EIR Pg. 3-32	Improvements related to the Truck Routing Plan need to consider issue along the entire planned route for trucks including those in adjacent jurisdictions. Roadways in the City of Jurupa Valley experience a significant amount of damage each year inflicted by trucks traveling on routes where they were not anticipated or have not been designed to accommodate current larger vehicles.
CJV-35	Transportation and Traffic	EIR Pg. 3-33	The EIR states that the Project will "Work with the cities of Fontana and Jurupa Valley to identify Armstrong Road south of the southernmost West Valley Logistics Center driveway as not a truck route and to place appropriate signage along Armstrong Road prohibiting trucks except for local deliveries." The phrase local deliveries needs to be struck as all trucks into and out of the WVLC could be considered as a local delivery per the CVC. All trucks originating from and destined to the WVLC should be prohibited from using Armstrong Road, Sierra Avenue, and Valley Way north of Granite Hill Drive within Jurupa Valley.
CJV-36	Transportation and Traffic	EIR Page ES-60 & 4.2.5-33 TIS Pages (Various)	Construction Mitigation Measures – It is unclear if the routes to be used by construction vehicles will be designated outside of the City of Fontana boundaries. The EIR must analyze the impacts from proposed construction routes, and impose enforceable mitigation measures to ensure that only designated construction routes are used.
CJV-37	Transportation and Traffic	EIR Page ES-60	The EIR discusses prohibiting the use of local streets not specifically approved by the (Fontana) City Engineer and the SB County Director of Public Works within the City of Fontana and unincorporated County. It does not mention restricting the use of such streets in the adjacent communities and Riverside County.
CJV-38	Transportation and Traffic	EIR Page ES- 63	The EIR identifies a truck route plan to address truck routing. However, all measures identified later in the EIR appear to have no enforceable measures beyond recommendations and encouragement. Without the implementation of weight limits or other enforceable measures, the restriction of trucks is not substantially enforceable.
CJV-39	Transportation and Traffic	EIR Pages 4.2.15-1 & 4.2.15-30	The EIR incorrectly states the definition of a Project-Related Impact. If the Project adds traffic to an intersection that is currently operating at a deficient level of service, it is required to mitigate

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CJV-39 cont.		TIS Page 14	the intersection's operation in the Existing Plus Project scenario to a level no worse than existing conditions. That level of impact is a Project-Specific Impact and not a cumulative impact. The impact may be mitigated as part of a larger improvement project, but that portion of the impact is deemed as project specific as it is an impact added on top of the existing condition. The EIR needs to address this.
CJV-40	Transportation and Traffic	EIR Pages 4.2.15-7 and 8, TIS Table 1-1	The table lists the intersection of Valley Way with SR-60 ramps as non-CMP intersections. However, the intersections of Market Street with the SR-60 ramps are listed as CMP intersections. The document needs to clarify this discrepancy. Intersection #52 is titled as Cedar Avenue/Rubidoux Boulevard/EI Rivino Road. The intersection is actually Rubidoux Boulevard/EI Rivino Road/Tarragona Drive. Cedar Street does not start at that intersection. In addition, the intersection is wholly within the City of Jurupa Valley and is not a shared location with SB County.
CJV-41	Transportation and Traffic	EIR Page 4.2.15-23	<p>The EIR states that: "Because the TUMF system provides funding for buildout of Riverside County's needed regional system improvements through funding generated by each Riverside County jurisdiction participating in the TUMF program, there is no mechanism needed to collect additional fees as mitigation from specific development projects in adjacent jurisdictions within or outside of Riverside County as a means of mitigating impacts from future development across jurisdictional boundaries or across the county line from San Bernardino into Riverside County."</p> <p>This statement is inaccurate and should be corrected. Besides the fact that TUMF funding is only eligible for designated facilities within each jurisdiction and only for a portion of certain costs, TUMF funding is based on expected development at the time the nexus study is completed. Projects that would require new or modified Specific Plans or General Plan Amendments or generate trips on non-TUMF routes are not included in that analysis and may very likely generate impacts that require mitigation that was not anticipated at the time of the TUMF analysis or are not covered by those funds. In addition, it is not incumbent upon adjacent jurisdictions in Riverside County to provide transportation facilities out of local and Riverside County funds to mitigate the impacts from development within adjacent communities.</p>
CJV-42	Transportation and Traffic	EIR Pages 4.2.15-23 & 24 TIS Page 19	The TIS states that the SB County CMP costs being used in the report are being adjusted to Year 2016 costs via a growth factor. The costs should not only be based on Engineer's Estimates of the real cost of the work proposed, but also should be adjusted to the year of construction and not to a date two years previous. The EIR states that Riverside County TUMF costs were used in determining fair share costs for improvements. These differences need to be reconciled.

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CJV-43	Transportation and Traffic	EIR Page 4.2.15-5 TIS Page 51	The acceptable LOS threshold for intersections in the City of Jurupa Valley is LOS D. While the Riverside County CMP allows for LOS E conditions, the City's LOS threshold is stricter and takes precedence over the CMP value. Therefore, all intersections in the City of Jurupa Valley, including the CMP locations, must use LOS D as their LOS acceptance threshold.
CJV-44	Transportation and Traffic	EIR Table 4.2.15-7 TIS Table 1-4, Pages 19-27	The costs provided in the table are deemed by the City of Jurupa Valley to be substantially underestimated and incorrect. The costs for improvements should be based on Engineer's Estimates and not on generic CMP cost tables. The costs listed do not take into account many of the associated costs of providing the listed improvements such as when adding a LT lane to an existing signalized intersection most, if not all, of the traffic signal poles will require relocation and that cost alone would exceed the cost listed for the turn lane. An example of adding a turn lane at the Rubidoux/El Rivino intersection (#52) was recently costed for a project at just over \$211,000 to add a LT lane on one approach. The TIS lists that same improvement as costing only \$74,200.
CJV-45			Along the Valley Way corridor the City of Jurupa Valley has identified a capital project for lane additions, traffic signals, and SR-60 ramp access as part of other area development projects. The geometrics listed in the TIS do not match those previously developed geometrics and the preliminary costs identified by the City of Jurupa Valley do not match those in the TIS. The City of Fontana needs to contact the City of Jurupa Valley Engineering Department to coordinate on the proposed improvements and determine if they will still mitigate the proposed traffic volumes from this proposed Project.
CJV-46			The table incorrectly lists the intersection of Valley Way and Mission Boulevard as having two NB LT lanes, one TH lane, and one RT lane on the northbound approach. The intersection has only one LT lane, two TH lanes, and one RT lane on that approach. The intersection analyses and associated mitigation recommendations need to be reassessed and corrected.
CJV-47			Traffic signals are proposed in the EIR for the two intersections of Mission Boulevard with Soto Avenue and Formosa Street. However, based on the analyses it does not appear that the intersections would warrant traffic signals based on the volume warrants used in the TIS. The preparer needs to identify what warrant or condition is being cited for justifying the traffic signals at these locations. The installation of traffic signals at unwarranted location opens the City of Jurupa Valley to potential future liability and to continuing maintenance costs at those intersections.

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CJV-48			In general, several of the mitigation measures and improvements do not appear to be feasible measures due to right-of-way constraints, utility conflicts, and/or operational issues. The measures recommended in the TIS were never vetted with the City of Jurupa Valley staff to determine their feasibility or if alternative measures would have been effective in mitigating impacts and been considered more feasible to construct. If the measures identified in the EIR are not constructible measures, then the proposed changes would not mitigate the Project's impacts as is being claimed. The EIR needs to be revised to address these issues.
CJV-49	Transportation and Traffic	EIR Pages 4.2.15-31 & 32 & 33 TIS Page (Various)	The Project proposes that a Property Owner's Association (POA) be developed as part of the Project. However, the EIR does not state if this POA would be in place at Project opening or developed over time. The POA as described would be self-reporting and self-regulating, which means it is highly unlikely that such an agency would be effective in policing its own violations with a "tenant-based" system. While reporting back to the City on a regular basis is proposed, that would still be trying to address traffic issues after the fact for trucking violations and then would likely only be able to address issues for repeat offenders and not occasional visitors to the site. The Project plan is weak on physical design elements that would not just deter, but would prevent trucks from accessing residential area and streets in Jurupa Valley where trucks are prohibited and/or not desired.
CJV-50	Transportation and Traffic	EIR Beginning at Table 4.2.15-19	The EIR erroneously states that at all locations within the City of Jurupa Valley there are no programs to which the Project can pay mitigation fees and so the impacts are significant and unavoidable and no payments will be made. The text goes on to state that because neither the Project nor the City of Fontana has jurisdictional control over locations outside of the City that those impacts would be deemed unavoidable. However, the text later states that the Project would only be responsible for its share of mitigation costs at those locations outside of the City of Fontana. This contradiction does not make sense. If a fair share is identified and agreed to by the various agencies, then the statements in the table are incorrect. The conclusion that there are no programs to which a development can contribute impact costs is incorrect and appears to be an attempt to avoid addressing impacts within the adjacent jurisdictions and instead trying to require the adjacent cities to bear the costs of traffic impacts from outside development.
CJV-51	Alternatives	5-14,15	The analysis regarding Recreation concludes that Alternative 2 [No Project/Buildout of the Valley Trails Specific Plan (VTSP)] would have greater impacts than the proposed Project. This misstates the actual impacts. The Valley Trails Specific Plan would add a maximum of 1,154 dwelling units. That plan also

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CJV-51 cont.			adds roughly 42 acres of new parks and community recreation space (including the elementary school space), as well as over 69 acres of dedicated open space. Even though the Valley Trails Specific Plan may add additional population, it also adds park space. The analysis of this Alternative does not take into account the importance of this additional park space or connect the additional park space to the additional population. Instead, it simply concludes that the impacts of this Alternative are slightly greater than the impacts of the proposed project. This does not make sense given that the Alternative proposes adding park space, whereas the proposed Project would not add any park space.
CJV-52	Alternatives	5-43	The analysis regarding Aesthetics concludes that Alternative 5 (Reduced Intensity Logistics Center) would have less impacts than the proposed project. With respect to Aesthetics, the EIR states: <i>“Alternative 5 would have fewer impacts on scenic vistas and visual character or quality, as it would involve a smaller amount of building space constructed within a smaller development footprint on the project site.”</i> This analysis is not accurate. The project site is located within an area characterized by residential development and vacant land (including land designated as Open Space). There is no industrial development in close proximity to the project site. The introduction of 2.43 million square feet of warehousing will significantly alter the visual character of the site and its surroundings.

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## 2.3.8 City of Jurupa Valley

### Response to Comment CJV-1

This general opening statement sets forth a general conclusion regarding the 2<sup>nd</sup> RDEIR, which is reflected in and responded to in the detailed comments that follow.

### Response to Comment CJV-2

This comment provides a recitation of the history of the EIR and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR. Comment CJV-2 is correct that lead agencies are not required to respond to past comments on prior versions of an EIR, pursuant to section 15088.5(f)(1) of the CEQA Guidelines.

### Response to Comment CJV-3

This comment sets forth a general conclusion that the 2<sup>nd</sup> RDEIR should be revised and recirculated. Specific responses are provided to specific issues raised in Comments CJV-4 through CJV-52.

### Response to Comment CJV-4

The project opening year is anticipated to be 2018. No substantial evidence is identified to support the conclusion that the project opening will be “well after that date.” Based on recent experience, the City has observed these types of projects coming online speedily after project approval. Public hearings for this project are expected to be held in Quarter 3 of 2018 and project construction and operations impacts could immediately follow. If the project opening year was changed to “at least 2020” as requested in this comment, it is likely project impacts would result far sooner. Moreover, if the project opening year was changed to 2020 or beyond, a divergent comment could be made that the project failed to forecast traffic volumes occurring in 2018 or 2019. Courts accord great deference to a lead agency’s substantive factual conclusions (which would include the projection of a project’s opening year. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435, as modified (Apr. 18, 2007)). The City sees no reason to depart from the EIR’s projected opening year for the project. See also *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899 [EIR prepared in May 2007 using Opening Year 2008].

### Response to Comment CJV-5

Comment CJV-5 mischaracterizes the TIA for the 2<sup>nd</sup> RDEIR, which makes no statement regarding the City of Jurupa Valley’s threshold for determining if an intersection is required to be analyzed. On page 5, the WVLCSP TIA states:

“The following 65 study area intersection locations shown on Exhibit 1-2 and listed in Table 1-1 were selected for this TIA based on the City of Fontana’s traffic study requirements that require analysis of intersection locations in which a proposed project is anticipated to contribute 50 or more peak-hour trips, and in consultation with City of Fontana staff.

The rationale for evaluating intersections where a project would contribute 50 or more peak-hour trips is standard industry practice and supported by substantial evidence. Furthermore, the potential impact threshold of 50 peak hour trips is identified in the San Bernardino County CMP Traffic Study Guidelines, which is followed by the City of Fontana. (2) It should also be noted that the 50 peak hour

trip threshold is used by several other lead agencies throughout southern California including Caltrans, County of San Bernardino, County of Riverside, and the County of Orange.

In effect, acting as the lead agency, these jurisdictions have established 50 project trips as the threshold of significance for when to analyze signalized intersections. Therefore, a project trip contribution of less than 50 trips is considered less than significant and is typically not evaluated.”

The 2<sup>nd</sup> RDEIR Fontana recognizes that the City of Jurupa Valley’s traffic study guidelines states that the study area should be at a minimum those intersections where the project contributes 50 or more peak hour trips, but that this does not preclude analysis of intersections where the project contributes fewer than 50 peak hour trips. It should also be noted that Comment CJV-5 does not request that any additional intersections be studied. By stating that “a project trip contribution of less than 50 trips is considered less than significant and is *typically* not evaluated” (emphasis added), the WVLCSP TIA is consistent with the City of Jurupa Valley’s Traffic Impact Analysis Guidelines.

### Response to Comment CJV-6

Pursuant to the traffic study guidelines for the City of Fontana, the purpose of identifying existing improvement needs for deficient intersections is to determine whether additional improvements are needed for future analysis scenarios, such as Existing + Project traffic conditions, in addition to those that would otherwise be needed to alleviate the existing deficiency.

### Response to Comment CJV-7

The comment is incorrect in its assertion that impacts identified at the two intersections of Rubidoux Boulevard at 24<sup>th</sup> and 26<sup>th</sup> Streets are “project-specific impacts.” As shown in Table 4.2.15-7 of the 2<sup>nd</sup> RDEIR, both of these intersections operate at unacceptable levels of service *under existing conditions*. Thus, the project does not create an impact at those intersections, but does contribute to the existing deficiency. Because the construction of additional lanes is not feasible, installation of a traffic signal is identified as mitigation. Provision of such signalization would improve the delay and associated level of service (LOS) grade to levels *better* than pre-project conditions. As such, the installation of a traffic signal at both 24<sup>th</sup> and 26<sup>th</sup> Streets on Rubidoux Boulevard would be in excess of the nexus of what the project alone would be required to implement solely to address its own impact.

### Response to Comment CJV-8

The recommendation for a traffic signal at both 24<sup>th</sup> and 26<sup>th</sup> Streets was made because this was the only feasible improvement to resolve the peak hour LOS deficiency. The addition of travel lanes, while maintaining the existing cross-street stop control, would not improve the peak hour deficiencies at these locations since LOS at these intersections is based on delays on the side streets (typically making a left turn). Thus, only signalization would improve delays on the side streets to the degree that LOS could be improved to acceptable levels. There are other signal warrants aside from peak hour warrants, including eight-hour vehicular volume, four-hour vehicular volume, pedestrian volume, school crossing, coordinated signal system, crash history, roadway network, and proximity to at-grade crossings that could substantiate the need for signalization. The City of Jurupa Valley should monitor these locations and install a traffic signal when required to which the proposed project would contribute a fair share.

## Response to Comment CJV-9

The project identified improvement needs to improve the deficient intersection operations back to pre-project traffic conditions at the State Route (SR) 60 freeway ramps on Rubidoux Boulevard. At such time as the County of Riverside completes a Project Study Report for the interchange that defines a specific configuration and cost for construction of interchange improvements, and a funding mechanism is established that would allow for fair share payments to be made by projects outside of Riverside County, the City of Fontana will require the project to participate in that fair share system.

## Response to Comment CJV-10

The text for the 95<sup>th</sup> percentile in the TIA for the 2<sup>nd</sup> RDEIR is modified to read as follows:

The traffic modeling and signal timing optimization software package Synchro/SimTraffic has been utilized to assess queues at the project driveways and site adjacent intersections. The 95<sup>th</sup> percentile queue has been utilized for purposes of determining the necessary turn pocket storage lengths and represents the maximum back of queue with 95<sup>th</sup> percentile traffic volumes during the peak hour. ~~In other words, if traffic was observed for 100 cycles, the 95<sup>th</sup> percentile queue would be the queue experienced with the 95<sup>th</sup> busiest cycle (or 5% of the time).~~ The 95<sup>th</sup> percentile queue is not necessarily ever observed; it is simply based on statistical calculations. However, many jurisdictions utilize the 95<sup>th</sup> percentile queues for design purposes.

The text revision provided above has affect the analysis or findings of the TIA or the 2<sup>nd</sup> RDEIR.

## Response to Comment CJV-11

The City's comment on the State-controlled off-ramp is acknowledged; however, the analysis prepared for the 2<sup>nd</sup> RDEIR is consistent with other studies prepared and reviewed by Caltrans. Caltrans has not indicated disagreement with the interpretation of analysis results.

## Response to Comment CJV-12

The text on page 46 of the WVLCSP TIA is modified to read as follows.

The term "signal warrants" refers to the list of established criteria used by Caltrans and other public agencies to quantitatively justify or ascertain the potential need for installation of a traffic signal at an otherwise unsignalized intersection. This TIA uses the signal warrant criteria presented in the latest edition of the Caltrans Federal Highway Administration's (FHWA) California Manual on Uniform Traffic Control Devices (CA MUTCD), as amended by the MUTCD 2014 California Supplement, for all study area intersections.

The signal warrant criteria for Existing study area intersections are based upon several factors, including volume of vehicular and pedestrian traffic, frequency of accidents, and location of school areas. ~~Both the FHWA's MUTCD and the MUTCD 2014 California Supplement~~ The CA MUTCD indicates that the installation of a traffic signal should be considered if one or more of the signal warrants are met. Specifically, this TIA utilizes the Peak Hour Volume-based Warrant 3 as the appropriate representative traffic signal warrant analysis for existing traffic conditions. ~~Warrant 3 criteria are basically identical for both the FHWA's MUTCD and the MUTCD 2014 California Supplement.~~ Warrant 3 is appropriate to use for this TIA because it provides specialized warrant criteria for intersections with rural characteristics (e.g. located in

communities with populations of less than 10,000 persons or with adjacent major streets operating above 40 miles per hour). For the purposes of this study, the speed limit was the basis for determining whether Urban or Rural warrants were used for a given intersection.

This text revision does not affect the analysis or findings of the TIA or the 2<sup>nd</sup> RDEIR.

### **Response to Comment CJV-13**

The fair share calculations prepared in the traffic study area based on the peak hour volumes because the improvement needs identified at the study area intersections are also based on the AM and PM peak hour operations analysis. The text listing this secondary highway could be modified. However, a text revision such as that provided below would not affect the analysis or findings of the TIA.

### **Response to Comment CJV-14**

The reference on page 65 of the WVLCSP TIA is revised to read as follows:

#### **Secondary (100-foot right-of-way):**

- Sierra Road/Pacific Avenue, east of Armstrong Road

This text revision does not affect the analysis or findings of the TIA or the 2<sup>nd</sup> RDEIR.

### **Response to Comment CJV-15**

The signal timing was utilized for the Caltrans signalized ramp locations. Other signal timing was not readily available at the time the TIA was prepared. However, the analysis included in the TIA represents a worst case since it assumes a non-interconnected system within the study area with the exception of the coordinated Caltrans Freeway Ramp locations.

### **Response to Comment CJV-16**

The improvements recommended at Intersections 32, 34, 35, 37, 39, 53, and 61 were recommended to identify the improvements necessary to improve the peak hour deficiencies. The proposed Project would contribute fair share per the mitigation measure in the EIR or, if the City intends to undertake an improvement different than the EIR mitigation measure, the Project would contribute a fair share to any future funding mechanism that is developed by the City to implement the specific improvements identified in Jurupa Valley's Capital Improvements Program (see Mitigation Measures TRA-1c and TRA-1e; see also discussion of these mitigation measures on pages 4.2.15-45 to 4.2.15-16 and 4.2.15-71).

### **Response to Comment CJV-17**

See Response to Comment CJV-16.

### **Response to Comment CJV-18**

See Response to Comment CJV-16.

### Response to Comment CJV-19

See Response to Comment CJV-16.

### Response to Comment CJV-20

See Response to Comment CJV-16.

### Response to Comment CJV-21

See Response to Comment CJV-16.

### Response to Comment CJV-22

The commenter incorrectly states that every EIR must consider the potential for the phenomenon known as “urban decay” (*Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal.App.4th 1184, 1207; see also *Visalia Retail, LP v. City of Visalia*, 20 Cal.App.5th 1).

Furthermore, it is a commenter’s obligation to provide substantial evidence presented by a qualified expert as to why a project would supposedly cause urban decay (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 690-692 (“*Joshua Tree*”); see also Pub. Res. Code section 21082.2). Here, the commenter has not provided any evidence to suggest that the subject project will allegedly cause urban decay. Rather, the commenter provides one speculative, conclusory sentence. However, “Complaints, fears, and suspicions about a project’s potential environmental impact likewise do not constitute substantial evidence” (*Joshua Tree* at 690). This comment does not sufficiently raise any substantive issue for consideration by the lead agency, nor does it constitute substantial evidence that would require the City of Fontana to analyze urban decay.

### Response to Comment CJV-23

The commenter mischaracterizes the applicable CEQA threshold by stating that a mere “change in the visual character of the site would constitute a significant alteration of the project” and that such an alteration is a “significant and unavoidable impact.”

Appendix G to the CEQA Guidelines, upon which the thresholds of significance for the 2<sup>nd</sup> RDEIR are based, recommends that the lead agency consider the following questions in addressing aesthetics impacts:

“... Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?” (Id. at § 15387.)

It is important to recognize that there is no substantial evidence that the project will impact any public views, vistas, or scenic highways. “That a project affects only a few private views may be a

factor in determining whether the impact is significant.” (*Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402).

The 2<sup>nd</sup> RDEIR concludes that aesthetics impacts would be “less than significant” based on the analysis and substantiation contained in Section 4.2.1 of the Draft EIR, including CEQA thresholds identified in CEQA Guidelines Appendix G. Thus, the EIR’s determination is supported by substantial evidence. Effects on private views are not generally considered impacts on the environment under CEQA. This is supported by numerous CEQA cases, including *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.*, (2004), 116 Cal.App.4th, at p. 402; *Mira Mar Mobile Community v. City of Oceanside*, (2004), 119 Cal.App.4th, at pp. 492-493; and *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 734. As such, the 2<sup>nd</sup> RDEIR addresses effects from public viewpoints within and surrounding the project site and determined that effects would be less than significant. As stated in Section 4.2.1 of the 2<sup>nd</sup> RDEIR, “This section describes the existing aesthetic and visual conditions that could be adversely affected by implementation of the proposed WVLCSP, including scenic vistas, scenic resources, and the overall visual quality of the project site and surrounding areas as seen from sensitive public viewing locations or representative viewpoints.” Five viewpoints from public areas were analyzed to evaluate the significance of views that are likely to change as a result of project implementation. In addition to these public viewpoints, a line of sight analysis was prepared to precisely illustrate which project elements would be visible from surrounding areas, including private viewpoints.

CEQA does not set any “change in the visual character of the site” as a threshold of significance, and a change in visual character is not necessarily a significant impact. If this was the case, any development of vacant property would cause a significant aesthetic impact. The commenter does not state or provide substantial evidence that the project would have a substantial adverse effect on a scenic vista, substantially damage scenic resources, substantially degrade the existing visual character or quality of the site and its surroundings or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The only substantial evidence on the record is the analysis set forth in Section 4.2.1 of the 2<sup>nd</sup> RDEIR, which supports the determination that aesthetic impacts would be less than significant.

## Response to Comment CJV-24

The 2<sup>nd</sup> RDEIR and underlying technical Appendix G, *Mobile-Source Diesel Health Risk Assessment*, identify the maximally impacted nearby residences. Any impacts associated with residences located on Armstrong Road near SR 60 would be less than what is disclosed in the 2<sup>nd</sup> RDEIR at the maximally impacted residences. The reason for this is the primary source of diesel exhaust is from on-site idling and travel which occurs in closer proximity to the modeled receptors as identified on Exhibit 2-D in Appendix G. Furthermore, the nearest impacted school site is also identified, as stated in Appendix G: “any impacts to other schools would be less than what has been disclosed for the Walter Zimmerman Elementary School.” Further evidence for support of this rationale is provided in Section 2.7.3, *Justification of the Geographic Scope of Analysis*, in Appendix G of the 2<sup>nd</sup> RDEIR.

## Response to Comment CJV-25

As discussed in Response to Comment CJV-24, above, health risks associated with project-related truck use, both on site and along project truck routes were addressed in the 2<sup>nd</sup> RDEIR. In addition, the project’s HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition), as well as the 2015 OEHHA guidelines, as recommended, which

account for age-weighted factors for early life exposures. The updated HRA confirms the conclusions of the 2<sup>nd</sup> RDEIR that project-related health risk impacts are less than significant.

### **Response to Comment CJV-26**

Truck idling shall not exceed 5 minutes in time. All buildings will be required to post signs requiring that trucks shall not be left idling for more than 5 minutes pursuant to Title 13 of the California Code of Regulations, Section 2485, which limits idle times to not more than 5 minutes. Nighttime (after 10:00 p.m.) truck idling would not be permitted.

CARB's anti-idling rule and Title 13 of the California Code of Regulations, Section 2485 allow five minutes of idling per idling event. As such, as discussed in the 2<sup>nd</sup> RDEIR, 15 minutes of idling per truck is assumed to account for idling when arriving at the site, loading/unloading, and again upon exiting the site. As such, it should be noted that no "credit" for implementation of Mitigation Measure AQ-6 has been taken in the 2<sup>nd</sup> RDEIR and no revisions to the EIR are warranted.

### **Response to Comment CJV-27**

For clarification purposes, the 2<sup>nd</sup> RDEIR text is that Armstrong Road (Locust Avenue) is shown to convey project passenger vehicle and truck trips and is therefore described as a "route" for project trucks from the Jurupa Valley city boundary north through the project site. The discussion in the 2<sup>nd</sup> RDEIR relates to sensitive land uses adjacent to all roadways conveying project truck traffic. Armstrong Road through south of the project site the City of Jurupa Valley is not identified in the EIR as a truck route and is therefore not analyzed for truck-related noise impacts on sensitive receptors. As described in the Section of the 2<sup>nd</sup> RDEIR, truck vibration levels when traveling at normal traffic speeds are rarely perceptible outside the right-of-way of the roadway based on the Federal Transit Administration's *Transit Noise and Vibration Impact Assessment* (May 2006).

### **Response to Comment CJV-28**

Neither a site plan nor design review for the project are being proposed at this time. The site plan included in the 2<sup>nd</sup> RDEIR is a conceptual depiction of anticipated project buildout. Formal site plans and design review applications will be submitted and reviewed on a site-by-site basis when they are submitted in the future by individual warehouse businesses. Tentative Parcel Map 19156 has been filed with the City and shows a trail along the west side of Armstrong Street from the County line north to Jurupa Avenue. As stated in Mitigation Measure REC-1, an off-road trail will be "realigned so as to be within the utility corridor easement in the southeastern portion of the project site, between Parcels 5 and 6." This utility corridor falls along the boundary between those two parcels. The impacts of trail construction are included as part of impacts related to site grading and road/site construction. These impacts are not, however, broken out and described separately from other project-related construction impacts. Thus, Comment CJV-28 is incorrect in its assertion that the trail alignment is somehow being deferred.

### **Response to Comment CJV-29**

There are three alternatives being considered by the SBCTA for the Interstate (I-) 10 Project: Alternative 1 is no build; Alternative 2 is the addition of a carpool or high-occupancy vehicle (HOV) lane; and Alternative 3 includes two tolled express lanes in each direction of travel on I-10 between Haven Avenue in the City of Ontario and Ford Street in the City of Redlands. According to the SBCTA

website, the I-10 Project is a long-term project, and is not anticipated for completion until Year 2024. There are no improvements currently proposed along the SR 60 freeway by either Caltrans or the Riverside County Transportation Commission (RCTC).

### **Response to Comment CJV-30**

Comment CJV-30 mischaracterizes Mitigation Measure TRA-1c. This measure calls for payment of fees for improvements within the City of Fontana, as well as improvements within unincorporated San Bernardino County. The 2<sup>nd</sup> RDEIR notes that there are currently no funding programs for the intersections of Rubidoux Boulevard at 24<sup>th</sup> Street and at 26<sup>th</sup> Street to which a fair share pay for improvements can be made. Should the City of Jurupa Valley commit to constructing improvements at these intersections, the project would be required to make a fair share payment to Jurupa Valley. Similarly, should Caltrans, the RCTC, or the City of Jurupa Valley commit to constructing improvements on the SR 60 freeway mainline or at SR 60 interchanges at Valley Way, Market Street, and/or Rubidoux Boulevard, the project would be required to make a fair share payment to the agency constructing the improvements.

### **Response to Comment CJV-31**

Distribution of trucks was based on routes with the most direct access to the adjacent freeway systems, with consideration given to some local sensitivities to truck traffic. The interchange ramps at SR 60 freeway and Rubidoux Boulevard were evaluated as part of the peak hour intersection operations analysis. However, the SR 60 freeway segment between Rubidoux Boulevard and Market Street and the westbound on and off-ramps at Rubidoux Boulevard would not carry any project traffic. As such, these Caltrans facilities were not evaluated.

### **Response to Comment CJV-32**

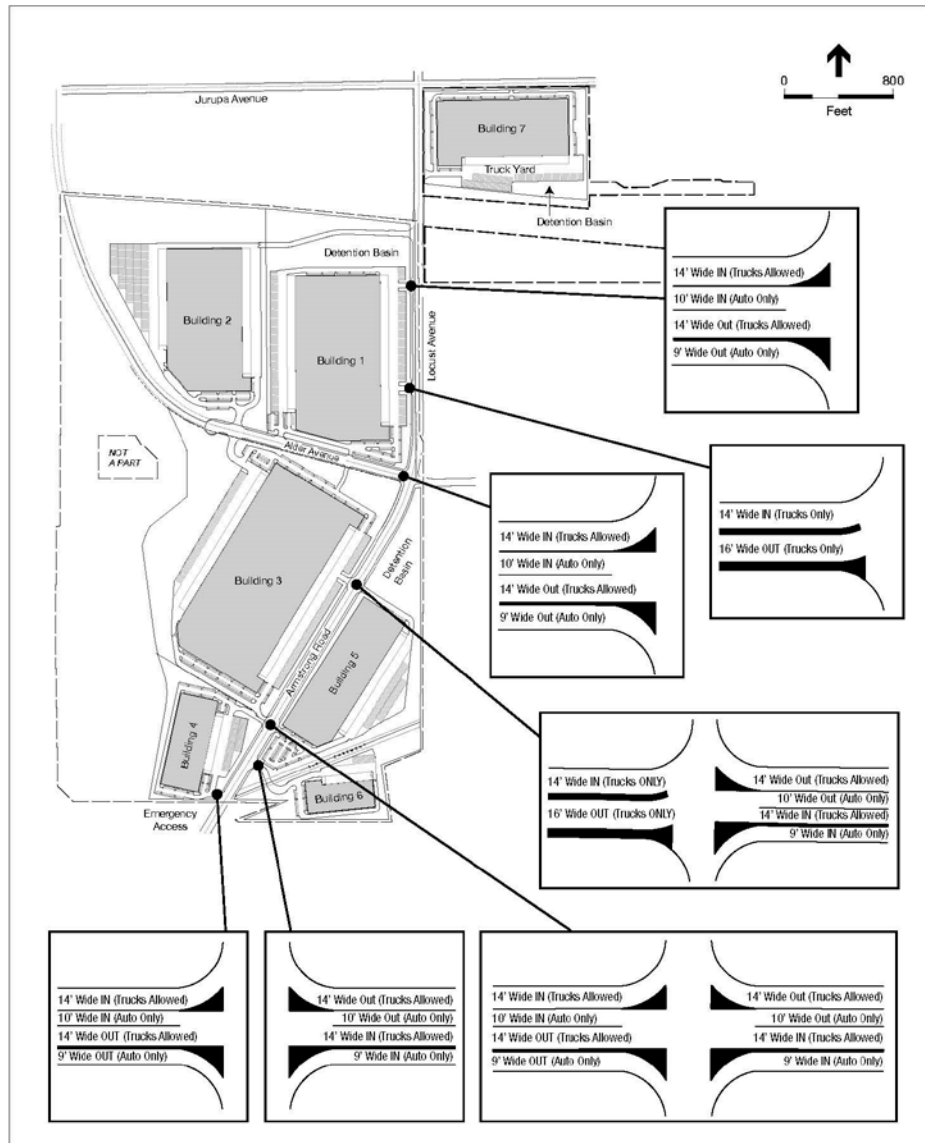
Distribution of trucks was based on routes with the most direct access to the adjacent freeway systems, with consideration given to some local sensitivities to truck traffic. The distribution utilized for the analysis was reviewed and approved by City of Fontana staff.

### **Response to Comment CJV-33**

The project has committed to provide intersection driveway geometrics that would discourage southbound truck movements onto Armstrong Road. These geometrics would be designed as part of street improvement plans and individual site plans within the project site. Conceptual designs for such geometrics are shown in the Final EIR Figure 2-1, below.



**Final EIR Figure 2-1. Conceptual Intersection/Driveway Geometrics**



**Response to Comment CJV-34**

The designated truck routes for the West Valley Logistics Center through the City of Jurupa Valley include Rubidoux Boulevard from the SR 60 freeway north to the County line and Market Street north from the SR 60 freeway north to Rubidoux Boulevard. Figure 3-25 of the Jurupa General Plan, Commercial Truck Traffic, indicates that Rubidoux Boulevard north of the SR 60 freeway is currently a heavily traveled truck route up to 20<sup>th</sup> Street. Lesser amounts of truck traffic are experience on Rubidoux Boulevard north of 20<sup>th</sup> Street and on Market Street. Although the City of Jurupa Valley does not have formally designated truck routes, it does restrict trucks on certain streets. Jurupa Valley General Plan Figure 3-26, Commercial Truck Restrictions, indicates that trucks are prohibited on Armstrong Street south of the County line, but that trucks are permitted along the entire length of both Rubidoux Boulevard and Market Street north of the SR 60 freeway. Jurupa Valley’s Land Use

Plan map (General Plan Figure 2-5) designates land uses along both Rubidoux Boulevard and Market Street north of the SR 60 freeway for industrial and business park use. Thus, both of these roadways serve industrial truck-generating uses and are presumably designed for such use.

### Response to Comment CJV-35

The EIR's use of the term "local deliveries" does not include shipments to or from the West Valley Logistics Center. The use of the phrase (except local deliveries) is intended to permit trucks making deliveries to locations within Jurupa Valley to using Armstrong Street. All such use would be required to be consistent with all commercial truck restrictions adopted by the City of Jurupa Valley. Thus, no revisions to the text of the 2<sup>nd</sup> RDEIR is needed.

### Response to Comment CJV-36

Mitigation Measure TRA-1 is revised to read as follows:

**Mitigation Measure TRA-1a: Develop and Implement a Construction Management Plan.**

Prior to the issuance of construction permits, the project applicant shall develop and implement a Construction Management Plan to the satisfaction of (1) the City of Fontana Traffic Engineer, ~~(2) and~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, and (3) the Jurupa Valley Public Works Department for roadways within Jurupa Valley that shall:

- Designate traffic control for any street closure, detour, or other disruption to traffic circulation.
- Identify the routes that construction vehicles will use for the delivery of construction materials (e.g., lumber, tiles, piping, windows) to access the site, including any needed traffic controls and detours. Such routes shall be consistent with the truck routing set forth in the project's Truck Management Plan.
- Specify the hours during which site deliveries and off-site hauling can occur and methods to mitigate construction-related impact to adjacent streets.
- Require the contractor to keep all haul routes clean and free of debris, including, but not limited to, gravel and dirt as a result of construction activities. The applicant shall clean adjacent streets, as directed by the City Traffic Engineer (or a designated representative) within the City of Fontana or the San Bernardino County Public Works Director (or a designated representative) for roadways within unincorporated County areas of any materials that may have been spilled, tracked, or blown onto adjacent streets or areas.
- Allow hauling or transport of oversize loads between 9:00 AM and 3:00 PM only, Monday through Friday, unless approved otherwise by the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays.
- Prohibit use of local streets not specifically approved by the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.

- Require haul trucks entering or exiting public streets to yield to public traffic.
- Provide a flag person at the intersection of Armstrong Road and Locust Avenue and any other intersections deemed necessary by the City Traffic Engineer within the City of Fontana or the San Bernardino County Public Works Director for roadways within unincorporated County areas to ensure that vehicle conflicts between haul trucks and all other vehicles are minimized.
- Require that if hauling operations are determined to have caused any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs will be completed by the project's contractor to the satisfaction of the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.
- Require all construction-related parking and staging of vehicles to be kept out of the adjacent public roadways and instead be kept on site.
- Meet the standards established in the current California Manual on Uniform Traffic Control Devices, as well as City of Fontana requirements within the City of Fontana, ~~and~~ San Bernardino County requirements within unincorporated County areas, or Jurupa Valley requirements within Jurupa Valley.
- Identify adequate access points for emergency vehicles and ensure emergency personnel would be able to identify these access points by providing a flagman, signage, or other indicator to effectively communicate emergency access during construction.

### Response to Comment CJV-37

A specific restriction on use of local streets in San Bernardino County is provided because some project driveways line up with local residential streets in unincorporated San Bernardino County. Because project-related truck traffic are already required to follow the off-site truck routes identified in the Specific Plan and 2<sup>nd</sup> RDEIR, a similar requirement is not needed within the City of Jurupa Valley. See. Response to Comment CJV-38 for discussion of methods to enforce use of project truck routes.

### Response to Comment CJV-38

The following measures have been proposed to implement and ensure enforcement of the project's truck routing plan:

- Configuring project driveways and intersections to direct traffic in the appropriate direction (see Response to Comment CJV-33 and Final EIR Figure 2-1);
- Signage directing trucks from and to the Specific Plan along the project's proposed truck routes to the I-10 and SR 60 freeways;
- Requiring building owners/lessees to inform truck drivers of the approved routes to and from the West Valley Logistics Center;
- Requiring dispatchers to provide truck drivers leaving the building with verbal and written instructions regarding approved truck routes to area freeways;

- Implementing and maintaining a monitoring program to identify the actual routes trucks are taking to and from the West Valley Logistics Center;
- Using commercially reasonable means to enforce the use of approved truck routes;
- Providing annual reporting to the City of Fontana regarding the actual routes trucks are taking to and from the West Valley Logistics Center; and
- Establishing the City of Fontana as a third-party beneficiary of the Property Owners' Association Traffic Guidelines and providing the City with the right to take over administration of the Traffic Guidelines if the Transportation Management Committee fails to discharge its obligations.

### Response to Comment CJV-39

Cumulative impacts are defined as impacts that are created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts (CEQA Guidelines § 15130). The Guidelines also state that any impact which is caused by two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts is by definition a “cumulative impact” (CEQA Guidelines § 15355). Thus, if an impact is caused by (1) the project and (2) other projects – such as existing projects – there would be “two or more individual effects which, when considered together” create a cumulative impact. In contrast, direct impacts are caused directly by the project itself (CEQA Guidelines § 15064(d)(1)).

Accordingly, when a project contributes to an already existing environmental problem, a cumulative analysis impact focuses on whether the project's contribution is cumulatively considerable. When performing a cumulative impact analysis “the relevant issue to be addressed in an EIR is not the relative amount of impact resulting from a proposed project when compared to existing environmental problems caused by past projects, but rather whether the additional impact associated with the project should be considered significant in light of the serious nature of the existing problems” (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 905-06, emphasis added, citing Guide to CEQA, p. 473 and *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025–1026).

Improvements for the deficient intersections under Existing + Project traffic conditions have been recommended; however, many of the feasible improvements (such as installing a traffic signal) would improve each location to a condition better than the pre-project condition. For these locations, where the recommended improvement substantially exceeds the project's nexus, a fair share contribution has been identified.

### Response to Comment CJV-40

Both the ramps at SR 60 at Valley Way and Market Street are classified as Congestion Management Program (CMP) intersections per the Riverside County Congestion Management Program. Intersection #52 would be correctly referred to as Rubidoux Boulevard & El Rivino/Tarragona Drive in the 2<sup>nd</sup> RDEIR. The intersection's is wholly within the City of Jurupa Valley. However, such revisions would not affect any of the analysis or findings of the TIA and 2<sup>nd</sup> RDEIR.

## Response to Comment CJV-41

The project will contribute fair share toward any improvements that are not covered by the Transportation Uniform Mitigation Fee (TUMF) where the respective jurisdiction has a CEQA compliant program to address deficient intersections within their respective jurisdictions.

Assessment of a traffic impact fee is an appropriate form of mitigation when it is linked to a “reasonable plan for mitigation” (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1122 citing *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act, supra*, § 14.14, p. 700; *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 141).

A project’s contribution to a significant cumulative impact is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. CEQA Guidelines §15130(a)(3). The Court in *Save Our Peninsula Committee* held that a county had adequately ensured the mitigation of traffic congestion effects by “provid[ing] for improvements to be constructed as the traffic triggering the need for the improvements exceeded a projected threshold and the funds to pay for the improvements were generated by the new development.” CEQA, the court explained, required not “a time-specific schedule for the County to complete specified road improvements” but only “that there be a reasonable plan for mitigation.”

The comment that is not incumbent upon adjacent jurisdictions in Riverside County to provide transportation facilities out of local and Riverside County funds to mitigate the impacts from development within adjacent communities is inaccurate. Regional programs, like TUMF, are designed to construct improvements necessary for future regional growth, not just growth in the immediate vicinity of a project. County of San Bernardino and City of Fontana funds, as well as the San Bernardino County Regional Transportation Mitigation Program are routinely utilized to mitigate the impacts of traffic generated in the County of Riverside, including the City of Jurupa Valley.

CEQA case law establishes a high bar for reliance on a third-party agency to implement a necessary mitigation measure for a project. The City of Jurupa Valley has no programs to address deficient intersections within their respective jurisdictions to which the proposed project could contribute a fair share. Therefore, Mitigation Measures TRA-1b and TRA-1c do not include requirements for fair-share payments to mitigate the contribution of project-related traffic to cumulative impacts within the City of Jurupa Valley. While there is reasonable certainty that improvements funded by the San Bernardino County Regional Transportation Mitigation Program and TUMF Program will be constructed, the City of Fontana has no jurisdiction to ensure that any fair-share payments made to other jurisdictions will be used for construction of the physical improvements for which fair-share payment is provided. Absent a formal agreement between a lead agency and a third-party agency, there is no certainty that the mitigation measure would be completed. Therefore, traffic-related impacts outside of the city of Fontana requiring improvements that are not funded by the San Bernardino County Regional Transportation Mitigation Program or TUMF Program are considered to be significant and unavoidable.

## Response to Comment CJV-42

The dollar amounts provided in the TIA represent a rough order of magnitude cost estimate and have been provided for discussion purposes. No engineering design has been prepared for the improvements recommended in the TIA. Fair share costs to be paid by the project will be based on

the actual costs of the individual improvements based on an Engineer's Estimate when fees are to be paid or the improvements are ready to be implemented, whichever comes first.

### **Response to Comment CJV-43**

RCTC's adopted minimum LOS is LOS E, therefore, when a CMP street or highway segment falls to LOS F, a deficiency plan must be required. The City of Jurupa Valley's LOS criteria (Policy ME 1.1) identifies a minimum LOS of D or better at all intersections, except where flexibility is warranted based on a multi-modal LOS evaluation or where LOS E is deemed appropriate to accommodate complete streets/multi-modal facilities. Neither document identifies which should take precedence.

### **Response to Comment CJV-44**

See Response to Comment CJV-42.

### **Response to Comment CJV-45**

See Response to Comment CJV-42.

### **Response to Comment CJV-46**

See Response to Comment CJV-42.

### **Response to Comment CJV-47**

See Response to Comment CJV-42.

### **Response to Comment CJV-48**

See Response to Comment CJV-42.

### **Response to Comment CJV-49**

The Property Owners' Association will be formed and operational prior to issuance of the first certificate of occupancy within the project site. See Response to Comment CJV-38 for discussion of measures that will be taken to ensure trucks use the approved truck routes set forth in the proposed Specific Plan. The City of Fontana has concluded that these measures are adequate to enforce use of the proposed truck routes.

### **Response to Comment CJV-50**

See Responses to Comments CJV-9, CJV-16, CJV-30, and CJV-41.

### **Response to Comment CJV-51**

Comment CJV-51 mischaracterizes the discussion set forth on page 5-14. For recreation, the applicable threshold is not the extent of demand for parks in relation to the amount of park land provided. As stated in the 2<sup>nd</sup> RDEIR's analysis of recreation impacts, the thresholds of significance against which impacts are evaluated are:

**REC-1** Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

**REC-2** Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

The 2<sup>nd</sup> RDEIR clearly acknowledges that while the Valley Trails Specific Plan would increase demand for parks, it will also provide needed recreational facilities. Since the applicable threshold is whether the project would “include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment,” the proposed warehouse project, which generates no demand for and does not construct park facilities would have no impact, while the Valley Trails Specific Plan, which includes a 4.2 acre linear park, 18-acre private park and trail system, and a 20.4-acre public park, would result in less-than-significant impacts related to park construction. Thus, the EIR concludes that the less-than-significant impacts related to park construction resulting from the Valley Trails Specific Plan are greater than the lack of impacts that would result from not constructing parks for the proposed warehouse project.

### **Response to Comment CJV-52**

The comparison to which this comment refers is a comparison of the aesthetics impacts of Alternative 5 (Reduced Intensity Logistics Center) to the aesthetics impacts of the proposed project. The 2<sup>nd</sup> RDEIR correctly points out that reducing the overall intensity of the project, aesthetics impacts would be reduced. This comment also fails to acknowledge that the 2<sup>nd</sup> RDEIR concluded that the existing approved residential Specific Plan for the site would result in less-than-significant aesthetic impacts and would have fewer impacts on aesthetics and visual quality than would the proposed project because more green space would be visible to visitors of the site. See Response to Comment CJV-23 for discussion of thresholds of significance for aesthetics impacts.

## Comment Letter EHL

**From:** Dan Silver [<mailto:dsilverla@me.com>]  
**Sent:** Thursday, March 22, 2018 12:26 PM  
**To:** Orlando Hernandez <[ohernandez@fontana.org](mailto:ohernandez@fontana.org)>  
**Cc:** Karin Cleary-Rose <[Karin\\_Cleary-Rose@fws.gov](mailto:Karin_Cleary-Rose@fws.gov)>; Joanna Gibson <[joanna.gibson@wildlife.ca.gov](mailto:joanna.gibson@wildlife.ca.gov)>  
**Subject:** Fontana West Valley Logistics Center

March 22, 2018

Orlando Hernandez  
 City of Fontana  
 8353 Sierra Ave  
 Fontana CA 92335

**RE: West Valley Logistics Center DEIR**

Dear Mr Hernandez:

Endangered Habitats League (EHL) has reviewed portions of the DEIR concerning biological resources. Our comments are as follows:

- EHL-1 [ 1) The large intact block of non-native grassland (about 180 acres) has significant value for many raptors (not limited to the burrowing owl). This significant impact is not disclosed or mitigated. Non-native grassland off-site should be protected at a ratio of 1:1.
- EHL-2 [ 2) The “avian corridor” at the southern end of the site is proposed to maintain connectivity between the Jurupa Hills and Rattlesnake Mountain. A more robust corridor design with contiguous coastal sage scrub plantings was unwisely discarded. Instead, small patches of vegetation and rooftop plantings are anticipated to provide connectivity for gnatcatchers and other birds. What substantial evidence supports this conclusion? Are there prior examples that the City can cite?

Thank you for considering these comments and please maintain EHL on hearing and CEQA distribution lists.

Sincerely,  
 Dan Silver

Dan Silver, Executive Director  
 Endangered Habitats League  
 8424 Santa Monica Blvd., Suite A 592k  
 Los Angeles, CA 90069-4267

213-804-2750  
[dsilverla@me.com](mailto:dsilverla@me.com)  
[www.ehleague.org](http://www.ehleague.org)



## 2.3.9 Endangered Habitats League

### Response to Comment EHL-1

The 2<sup>nd</sup> RDEIR includes protective measures to prevent impacts to nesting birds including potential raptor nests that could occur in the trees in the Specific Plan area. Mitigation Measure BIO-1 requires surveys for active nests that must be conducted prior to initiation of site grading or any tree removal activities that would occur between January 31 and August 31 as a means of protecting active nests existing at the time grading or tree removal activities occurs.

The comment is correct that the non-native grassland within the Specific Plan area is suitable foraging habitat for raptor species. The existing non-native grassland in the Specific Plan area is heavily disturbed and interspersed with bare ground. There are thousands of acres of non-native grasslands available for raptor foraging throughout Riverside and San Bernardino Counties, including undeveloped non-native grasslands and Riversidean sage scrub (RSS) located directly adjacent in the Jurupa Hills and Rattlesnake Mountain regions. The loss of 180 acres of non-native grasslands that currently occur in the Specific Plan area represents an incremental loss of foraging habitat for raptor species. In addition, natural open space (55.23 acres adjacent to the Specific Plan area) will be preserved and will continue to be used by foraging raptors. Therefore, the incremental loss would not be significant and off-site set aside of this habitat type is not warranted.

### Response to Comment EHL-2

The 2<sup>nd</sup> RDEIR documents the lack of an existing avian movement corridor through the Specific Plan area and refers to similar conclusions set forth in the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), as well as the lack of sufficient vegetative cover in the proposed project's development footprint as substantiation. Therefore, the "avian corridor" proposed as mitigation in the Draft EIR and 1<sup>st</sup> RDEIR would not have mitigated any actual loss of an "avian corridor," but would have maintained future opportunities for one. Recognizing there would be no actual impact requiring mitigation, the Specific Plan which is analyzed in the 2<sup>nd</sup> RDEIR was revised to include a project design feature that would establish shrubs at grade and RSS habitat across rooftops in the southern portion of the development footprint, thereby providing grade-separated habitat that avian species could utilize as cover should any choose the future to move across the project site. There are a variety of bird species that would potentially use this corridor, however, the 2<sup>nd</sup> RDEIR does not state that California gnatcatcher (CAGN) is one these species because it is understood that it is a low-flying species. This design feature *creates* a potential avian movement corridor through the Specific Plan area connecting Rattlesnake Mountain and Jurupa Hills regions where no such corridor exists today.

Comment Letter GH

**From:** George Hague [<mailto:gbhague@gmail.com>]  
**Sent:** Monday, March 26, 2018 4:49 PM  
**To:** Orlando Hernandez <[ohernandez@fontana.org](mailto:ohernandez@fontana.org)>  
**Subject:** West Valley Logistics Center Second Recirculated Draft Environmental Impact Report

Good afternoon Mr Hernandez,

GH-1 [ The comments found below are being submitted again by myself because they are still valid for the West Valley Logistics Center Second Recirculated Draft Environmental Impact Report and were not fully responded to when they were first submitted in February 2015.

Please confirm that you have received this email and the comments found below in a timely manner.

Thank you,

George Hague  
26711 Ironwood Ave  
Moreno Valley, CA 92555

K. Shawn Smallwood, Ph.D. 3108 Finch Street  
Davis, CA 95616

Letter 4

Orlando Hernandez, Senior Planner  
City of Fontana  
Community Development Department, Planning Division 8353 Sierra Avenue  
Fontana, CA 92335

14 February 2015  
RE: Draft Environmental Impact Report for West Valley Logistics Center Specific Plan

Dear Mr. Hernandez,

I write to comment on the Draft Environmental Impact Report (EIR) prepared for the West Valley Logistics Center Specific Plan (ICF 2014).

My education and experience are as follows. I earned a Ph.D. degree in Ecology from the University of California at Davis in 1990. Subsequently I worked at U.C. Davis for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been focused on animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and the ecology of invading

species. I have authored numerous papers on special-status species issues, including “Using The Best Scientific Data For Endangered Species Conservation,” published in Environmental Management (Smallwood et al. 1998), and “Suggested Standards For Science Applied To Conservation Issues” published in the Transactions of the Western Section of The Wildlife Society (Smallwood et al. 2001). I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I was a part-time lecturer at California State University, Sacramento. I was also Associate Editor of wildlife biology’s premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management.

I have performed numerous surveys for special-status species over the last 25 years, including 11 years of surveys for California red-legged frog and California tiger salamander, and 14 years for Fresno kangaroo rat, several years for salt marsh harvest mouse and California clapper rail, 16 years for burrowing owl, and 25 years for Swainson’s hawk and white-tailed kite. Based on my education and field experience, I am familiar with the ecology and habitat of wildlife species likely to occur on the project site. My CV is attached.

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#### **BIOLOGICAL IMPACTS ASSESSMENT**

The EIR (ICF 2014) addressed the impacts of converting 212.11 acres to industrial use, although the project size was reported as 298 acres on page 4.2.3-1. This 298-acre area is the last open space connecting Jurupa Hills and Rattlesnake Mountain, in a region known for high species richness. Therefore, it is important that the EIR carefully and comprehensively considers the potential project impacts and mitigation. However, this EIR inadequately described the current environmental setting, and its impact assessments and mitigation measures fell far short of what was needed.

Under CEQA,<sup>1</sup> “[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.” The public needs information that is thorough, relevant, unbiased, and honest; the public needs full disclosure of the environmental setting and possible cumulative impacts. Documents presenting information from a biased perspective will tend to include omissions, logical fallacies, internal contradictions, and unfounded responses to substantial issues. Therefore, my assessment of the EIR and also considers omissions and bias, which bear on the sufficiency of the EIR.

I found many examples of bias in favor of the project. To begin with, the EIR neglected to describe the habitat assessment that was conducted in February 2013 (p. 4.2.3-1). The EIR stated that a habitat assessment was performed, but not who did it or what level of

effort was applied. No dates were provided of when the site was visited, or what times of day, or for how long. No methods were described, such as whether a biologist walked over the site or just looked over it from car window. Furthermore, I did not see any reference in the EIR to supporting documents where I might find details of the habitat assessment. The level of detail in the EIR was so scant that there is no way that the public or decision-makers could be adequately informed about the habitat assessment, which was central to the impacts assessment and formulation of mitigation measures.

As an example of a biased conclusion, according to ICF (2014:4.2.3-27), *“The proposed project would directly remove 25.1 acres of CAGN [California gnatcatcher] Critical Habitat; however, none of the habitat is currently suitable for the species.”* None of the habitat is currently suitable for the species? The impression given by this conclusion is that habitat suitability is determined by permanent occupancy. However, wildlife ecologists have long known that occupancy is dynamic, and that only a fraction of suitable habitat will be occupied by the species at any given time (Taylor and Taylor 1979). The only exception to spatially dynamic distributions appears to be when available habitat has been severely constrained (Smallwood 2002). Otherwise, animal populations tend to occur in spatially dynamic clusters as a means to escape predator and parasite loads, to allow forage to recover while foraging elsewhere, and just because

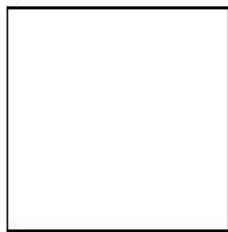
<sup>1</sup> Environmental Planning and Information Council vs. County of El Dorado (1982) 131 Cal. App. 3d 350, 354.

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natal populations senesce while dispersing young form new colonies in new locations. Just because a species was undetected within a habitat patch for two years does not mean that that habitat patch was unsuitable; it might mean that the species was active elsewhere while forage replenished or parasite loads diminished.

In another indication of bias, ICF (2014:4.2.3-7) concluded that the potential for burrowing owls to occur on site is only "Moderate." According to ICF, "*Suitable vegetation communities are present; however no burrowing owls, owl sign, or suitable burrows were observed on the project site. Therefore, a focused survey was not 4-6 conducted.*" However, any experienced wildlife biologist knows that walking over the

site in February is unlikely to detect burrowing owls or nest burrows. Burrowing owls are typically on the move and are highly cryptic in February. Not seeing burrowing owls during February visits was not a sound justification for deciding to not perform focused surveys.

ICF (2014:4.2.3-19) concluded, "*...no suitable burrows needed for nesting were observed during the habitat assessment.*" However, earlier reporting in the EIR included detections of California ground squirrels, and ground squirrels provide suitable burrows for burrowing owl. How can ICF have seen ground squirrel burrows but then conclude that there were no suitable burrows for burrowing owls? This contradiction diminished the credibility of the decision that focused surveys were unwarranted.

In another attempt to minimize the impact assessment of the project on burrowing owls, ICF (2014:4.2.3-19) concluded, "*Existing conditions at the project site including the routine disking activities and offroad vehicle activities have likely kept burrowing owls from inhabiting or colonizing the project site.*" However, the majority of burrowing owls in California live within the agricultural landscapes of the Imperial Valley and the Great Central Valley, where disking is common and has not prevented burrowing owls from living amidst agriculture. Routine disking would not have kept burrowing owls from inhabiting the site. Also, as ICF must know full well, following 10 years of biological surveys performed by ICF in the Altamont Pass, the large population of burrowing owls in the Altamont Pass has persisted in spite of frequent vehicle activity and industrial activities. The argument made by ICF for minimizing project impacts on burrowing owls was unfounded. Burrowing owls are known to be disturbance-adapted, and readily take up residence near intense human activities, so long as suitable burrow opportunities are available.

According to ICF (2014:4.2.3-7), the northern San Diego pocket mouse is unlikely to occur on the project site, and the reason given was lack of undisturbed habitat. I found this conclusion unconvincing. For one thing, habitat is defined by the species' use of the environment, and not by a consultant's preconceived notion of whether a species would occur in a disturbed environment (which is everywhere these days). I have documented pocket mouse burrows on many disturbed soils, including on fill soils serving as landfill caps similar to the one that covers Planning Area 2 (Smallwood and Morrison 1997).

ICF (2014:4.2.3-8) assumed that California horned lark is absent from the site, because the species "*Prefers riparian woodlands along streams and rivers with mature, dense*

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*stands of willows, cottonwoods, or smaller spring-fed or boggy areas with willows or alders.*" This habitat description was inconsistent with my experience with the species, which I encounter frequently in annual grassland environments. ICF's species description might have applied to another species altogether, but not to California horned lark.

ICF (2014:4.2.3-9) assumed that western mastiff bat is absent from the site, but this assumption was inconsistent with the habitat characterization provided by ICF: "...most frequently encountered in broad open areas. Foraging habitat includes dry desert washes, floodplains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas." The vegetation cover on the project site appears to be consistent with several of the cover types described as western mastiff bat habitat. I believe that ICF was over-optimistic about this species being absent from the site. Furthermore, there was no indication in the EIR that nocturnal surveys were performed for bats, or that visual detection surveys were employed.

I disagree with ICF's (2014:4.2.3-9) assumed low likelihood of occurrence of loggerhead shrike. Based on my experience with loggerhead shrike, it is highly likely that this species forages and breeds on site.

4-12

I disagree with ICF's (2014:4.2.3-9) assumed low likelihood of occurrence of San Diego black-tailed jackrabbit. According to ICF, this species "*Occupies many diverse habitats, but primarily is found in arid regions supporting short-grass habitats.*" This description seems consistent with the project site. But then ICF concluded absence based on "minimal suitable habitat." This conclusion lacks foundation; there is ample short-grass cover in the arid environment of the proposed project site.

I disagree with ICF's (2014:4.2.3-10) assumed absence of pocketed freetail bat. ICF justified its assumption by claiming "*No suitable roosting or foraging habitat is present on the project site.*" However, ICF neglected to characterize foraging habitat of this species.

I also cannot agree with ICF's assumed absence of southern grasshopper mouse. ICF based its assumption on the conclusion that there is "*no suitable habitat.*" According to 4-13 ICF (2014:4.2.3-10), the southern grasshopper mouse "*Inhabits a variety of low open and semi-open scrub habitats including coastal sage scrub, mixed chaparral, low*

*sagebrush, riparian scrub, and annual grassland with scattered shrubs.*” This habitat description appears consistent with ICF’s description of the proposed project site. I have found grasshopper mice in similar arid grassland environments, and I would expect to find them on this project site as well.

For similar reasons, I disagree with ICF’s assumed low likelihood of occurrence of Los Angeles pocket mouse. According to ICF (2014:4.2.3-10), the Los Angeles pocket mouse “Occurs in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils.” But then ICF concluded “Minimal habitat on the western boundary within the RSS, outside the limits of disturbance.” In my experience, Heteromyid rodents such as Los Angeles

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pocket mouse often thrive in disturbance regimes involving frequent clearing of vegetation and accumulation of fine sediments. To conserve Heteromyid rodents, I have managed sites by introducing and maintaining disturbance regimes. I would not rule out the occurrence of Los Angeles pocket mouse until the completion of extensive live-trapping using appropriate methods.

I disagree with ICF’s assumed absence of coast horned lizard. ICF claimed there is no suitable habitat, but the vegetation cover of the project site is consistent with ICF’s characterization of the species’ habitat, and ICF did not conclude that the site lacks sands in the soil or harvester ants in the community (horned lizard food).

ICF’s assumed absence of American badger was unjustified. There was no sound reason to assume absence. Ground squirrels and Botta’s pocket gophers were seen on site by ICF, and both of these species are typical prey of American badger. I have many times watched badgers dig into ground squirrel and pocket gopher burrows in annual grasslands during nocturnal surveys with the aid of a thermal camera. I have worked with and around American badgers in many places and environments. There is no reason to believe that American badger would be absent from the proposed project site, unless the habitat fragmentation in the region has already wiped out the species.

### **Wildlife Movement**

According to ICF (2014:4.2.3-20), “Currently, there are no existing habitat features that occur between Rattlesnake Mountain and the Jurupa Hills that would be expected to support a wildlife movement corridor...” This statement would have the reader 4-16 believe that there is a scientifically established habitat feature that qualifies a portion of the environment as a wildlife movement corridor. This notion was contrived; there is no

such feature except for forced corridors due to anthropogenic land use changes that leave strips of land as the only available path for wildlife to move from one place to another. Otherwise, wildlife move across many landscape and habitat features, and in some situations this movement can be more concentrated than in other situations.

In the case of the project area, however, wildlife movement between the Jurupa Hills and Rattlesnake Mountain has already been severely constrained to the open space that is proposed for the West Valley Logistics Center (Figure 1). Past land use changes have left the Jurupa Hills and Rattlesnake Mountain completely surrounded by residential, commercial and industrial uses, so terrestrial wildlife can no longer move into out of these hills. The only movement possible between these hills is through the open space that is the proposed project site. The proposed project site now functions as a constrained movement corridor (*sensu* Smallwood 2002). Removing this corridor 4-17 would isolate wildlife populations in the Jurupa Hills and Rattlesnake Mountain from each other, and would therefore contribute significantly to habitat fragmentation. Habitat fragmentation has long been recognized as the greatest threat to the persistence of wildlife populations (Wilcox and Murphy 1985). The level of habitat fragmentation that has already occurred in the region of the project has obviously been profound, with devastating consequences. By severing the last remaining wildlife movement linkage between Jurupa Hills and Rattlesnake Mountain, this project could completely

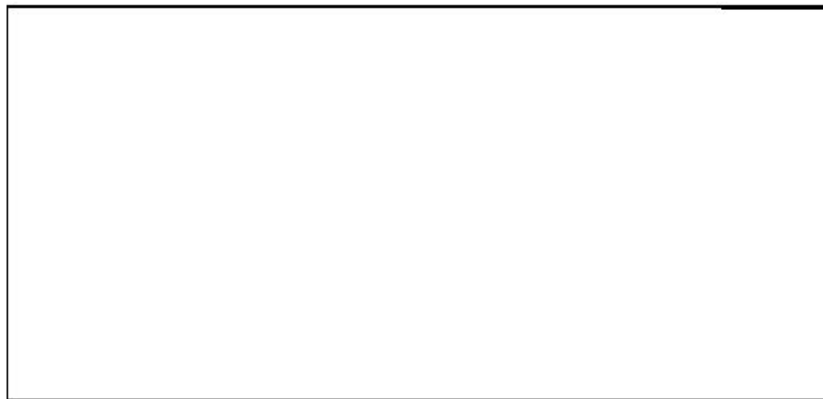
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eliminate any remaining populations of mammalian carnivores, which would devastate the ecological community and its food chain.

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**Figure 1.** *The proposed project area (blue-shaded polygons) provides the only remaining open-space linkage (red arrows) between the Jurupa Hills on the left and Rattlesnake Mountain on the right. Both the Jurupa Hills and Rattlesnake Mountain are completely surrounded by urban, commercial, and industrial uses, so severing the last open-space link between these two areas would contribute significantly to habitat fragmentation and to the diminishment of wildlife populations in this area.*

ICF (2014:4.2.3-20) attempted to dismiss the project area as important to wildlife movement by claiming, “*The two areas [Jurupa Hills and Rattlesnake Mountain] are separated by open land that has been routinely disked or disturbed by other uses, and no longer supports native vegetation complexes.*” However, these characterizations – even if entirely accurate -- do not disqualify the site as potentially important to wildlife movement. Wildlife routinely move across disturbed landscapes and across nonnative habitat; in fact, they have to move across such landscapes because most landscapes, if not all of them (even designated wilderness areas), have been disturbed by human activities and colonized by exotic species.

According to ICF (2014:4.2.3-33), “*The project site is currently the only open space connecting the native RSS habitats in the Jurupa Hills and Rattlesnake Mountain (Figure 4.2.3-2). Due to past disturbance (i.e., diskings) and degradation of habitat, the open space lacks native habitat that would support a wildlife movement corridor between Rattlesnake Mountain and the Jurupa Hills...*” The first of these two sentences clarifies that the only opportunity for wildlife to move between the Jurupa Hills and Rattlesnake Mountain is through the open space composing the proposed project site. This open space would qualify as a constructed movement corridor, as land use changes

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around this site have left only this site as viable for terrestrial wildlife to move between the Jurupa Hills and Rattlesnake Mountain. The second of the two sentences implies that the constrained movement corridor is no longer viable due to on-site disturbance. As stated earlier, this implication was contrived, and lacks evidence that the disturbances would have prevented wildlife from crossing the site. Wildlife obviously use the site, as reported in the EIR, including ground squirrels, desert cottontails, pocket gophers, and a suite of other species. If these species reside on the site, then there is no reason to expect that other wildlife would be unable to move across the site.

ICF (2014:4.2.3-33) goes on to contrive additional argument against the site serving as a movement corridor, “*Because of a lack of vegetative cover, the only species that would be expected to migrate between Rattlesnake Mountain and the Jurupa Hills are avian species, including CAGN. While adult CAGN may be less likely to move between these two ranges due to their existing territories, juvenile CAGN will disperse outside of 4-20 natal areas to establish their own territories.*” Not all terrestrial species of wildlife

require vegetation cover to move across a landscape. I have many times seen animals moving across open landscapes, including at night while performing surveys with a thermal camera. I saw this more often this past year after the severe drought conditions eliminated vegetation cover from large tracts of annual grassland. ICF's argument is not credible.

Citing lack of habitat and human disturbance of the site, ICF claimed that the open space of the proposed project no longer serves as a wildlife movement corridor. However, this conclusion followed a red herring argument. CEQA does not identify corridors as central to the environmental impact on wildlife movement. The real issue is whether the proposed project will interfere with the movement of wildlife, thereby disrupting a fundamental ecological requirement of wildlife species. The EIR did not seriously address the question of whether the project will interfere with the movement of any species of wildlife in the area, because no surveys were performed to establish how or where wildlife move between Rattlesnake Mountain and Jurupa Hills.

### **Cumulative Impacts**

According to ICF (2014:6-15), *"The majority of the cumulative projects identified in Table 6-1 that are within San Bernardino County are in urban and urbanizing areas or are physically separated from the open space areas adjacent to the project site, and would not contribute to cumulative biological impacts in combination with the proposed project."* This conclusion, however, ignores the avian migration stopover value of open spaces within urbanizing areas. Migrating birds require habitat patches in which to stop and rest while on migration. As these areas are removed from the region, the cumulative impacts will increase and will be significant.

I was prepared to concur with ICF's (2014:6-15) conclusion, *"The cumulative effect of past projects has already resulted in impeding the movement of wildlife between the Jurupa Hills and Rattlesnake Mountain, which is considered to be a significant cumulative impact."* But then in the next paragraph of the EIR, ICF (2014) added, *"However, as discussed in Impact BIO-5, the only species that could potentially move*

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*between the Jurupa Hills and Rattlesnake Mountain under current conditions is CAGN*

*[California gnatcatcher]."* This claim lacks foundation, and was so absurd as to call into question the credibility of the entire cumulative impacts assessment. ICF's claim that terrestrial wildlife can no longer move across the open space in question is inconsistent with my personal experience as a wildlife ecologist and with so much that has been

documented in the field of wildlife ecology. Furthermore, it is ridiculous to allege that California gnatcatcher can use the site for movement, but that no other species of bird can also do so.

ICF (2014:6-15) claimed, “*The proposed project would not result in a cumulatively considerable contribution to the regional decline of CAGN, rare plants, tricolored blackbird, Southern California rufous-crowned sparrow, burrowing owl, northwestern San Diego pocket mouse, red-diamond rattlesnake, loggerhead shrike, San Diego black-tailed jackrabbit, San Diego desert woodrat, or Los Angeles pocket mouse because of the protections afforded by the MSHCP and requirements for compliance with the state and federal endangered species acts.*” However, it was inappropriate to claim that a conservation plan developed for other projects is going to offset the impacts caused by this project outside the jurisdiction of the MSHCP. No evidence was provided that the protections afforded by the MSHCP would offset the impacts of this project, for which the MSHCP was not designed.

In summary, the impacts assessment ended up with a lot of conclusions that were inconsistent with well-known trends that have been documented in the field of wildlife ecology. Arguments leading to these conclusions were inconsistent, contradictory, and often unfounded. Given that the habitat assessment was only vaguely described and obviously highly cursory, one would think that the EIR would err on the side of caution when making conclusions about biological impacts. After all, erring on the side of caution is the standard when making conclusions of potential impacts to sensitive resources in the face of high uncertainty (National Research Council 1986, Shrader-Frechette and McCoy 1992, O’Brien 2000). But this was not the side of caution that was used by ICF.

## **MITIGATION**

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Measures 2 and 3 are preconstruction surveys for breeding birds and burrowing owls. I agree that these measures should be taken, but I suggest that breeding birds surveys should be performed prior to certification of the EIR. The public and the decision-makers need to know the environmental setting and potential impacts of the project. Walkover surveys done in February could not have informed about nesting birds on site, any more than daytime surveys could inform about bat use of the site at night.

Measure 8 would provide for a 100-foot wide shrub and ornamental tree corridor intended as a dispersal corridor for California gnatcatcher needing to move between Rattlesnake Mountain and Jurupa Hills (2014:4.2.3-34). This measure was intended to mitigate for the loss of the last patch of open space separating Rattlesnake Mountain and Jurupa Hills. However, a 100-foot wide corridor would be much too narrow to effectively accommodate the movement needs of most species and of most individuals of

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the few species that might make use of the corridor; for animals trying to find this corridor as a way across the human landscape, it would be like trying to find a needle in a haystack. ICF provided no evidence in support of this corridor width or content (e.g., planted ornamentals). ICF provided no monitoring plan to document effectiveness of the corridor, and provided no backup plan in the case that the corridor proves ineffective.

According to ICF (2014:4.2.3-34), *“No new impacts on wildlife were determined to occur in association with Armstrong Road from lighting, road mortality, or other exposure, as project-related improvements would not include additional lanes of traffic, lighting, or other exposure that are different from existing conditions.”* This conclusion lacks foundation and ignores the experience accumulated from so many previous land use changes that blocked wildlife from moving between habitat patches. This project will take the last remaining patch of open space between Jurupa Hills and Rattlesnake Mountain, so all the animals that used to traverse it will end up searching 4-27 for ways across. This extra search effort will more often put them on Armstrong Road.

No added traffic or lighting will be needed to result in an increased death toll due to automobile collisions. I have been counting and mapping roadkill along the same 130-mile transect in the Great Central Valley since 1989, where I have also monitored land use. As warehouses and housing developments were built out, the automobile collision rate rose wherever the build-outs occurred. Only two months ago I nearly got run over while trying to save a gopher snake that had been run over by a car at a new intersection by a new housing development (the snake did not survive). Since this housing development was built, there has been the typical spike in fatalities of striped skunks, coyotes, gray foxes, desert cottontails, and snakes. The construction of West Valley Logistics Center will increase the collision toll on Armstrong Road. The EIR did not present any mitigation for this impact.

In summary, the mitigation measures were grossly inadequate. They included preconstruction surveys for special-status species, but no compensatory measures for direct, indirect, or cumulative impacts. This lack of mitigation could be due to the fact that the loss of the last remaining habitat linkage between Jurupa Hills and Rattlesnake Mountain will cause biological impacts that are so severe that they could never be mitigated. Based on my experience, I predict that no populations of mammalian carnivore will persist for long in the Jurupa Hills and Rattlesnake Mountain after this project is developed. Burrowing owls will cease to exist in the region, and local populations of California gnatcatcher will likely disappear within a decade.

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\_\_\_\_\_ Shawn Smallwood, Ph.D.

## **2.3.10 George Hague**

### **Response to Comment GH-1**

This comment transmits a letter originally submitted providing comments on the 1<sup>st</sup> RDEIR, and raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR. Responses to that letter are provided in Section 2.6.4 of the Final EIR.

Comment Letter KD1

**From:** Kathleen Dale [<mailto:kdalenmn@aol.com>]  
**Sent:** Monday, March 26, 2018 3:54 PM  
**To:** Orlando Hernandez <[ohernandez@fontana.org](mailto:ohernandez@fontana.org)>  
**Subject:** West Valley Logistics Center Specific Plan - Second Revised Draft EIR Comments Part 1a (SCH 2012071058)

KD1-1

Mr. Hernandez - this e-mail and the attached documents are submitted as NEW comments on the noted California Environmental Quality Act document.

Due to document sizes, the attachments are sent in two separate messages. The document attached to this message should include 223 pages and is also currently available at the following link on the City's website: <https://www.fontana.org/DocumentCenter/View/24038>.

A quick reply to confirm receipt would be appreciated.

Kathleen Dale  
Concerned citizen and member of San Gorgonio Chapter of the Sierra Club

## **2.3.11 Kathleen Dale**

### **Response to Comment KD1-1**

This comment letter resubmits each of the comment letters submitted on the Draft EIR (April 2014). Responses to these letters are provided in Section 2.4 of the Final EIR.



Comment Letter KD2

**From:** Kathleen Dale [<mailto:kdalenmn@aol.com>]  
**Sent:** Monday, March 26, 2018 3:55 PM  
**To:** Orlando Hernandez <[ohernandez@fontana.org](mailto:ohernandez@fontana.org)>  
**Subject:** West Valley Logistics Center Specific Plan - Second Revised Draft EIR Comments Part 1b (SCH 2012071058)

KD2-1 [ Mr. Hernandez - this e-mail and the attached documents are submitted as NEW comments on the noted recirculated California Environmental Quality Act document.  
Due to document sizes, the attachments are sent in two separate messages. The document attached to this message should include 101 pages and is also currently available at the following link on the City's website: <https://www.fontana.org/DocumentCenter/View/24039>.  
A quick reply to confirm receipt would be appreciated.

Kathleen Dale  
Concerned citizen and member of San Gorgonio Chapter of the Sierra Club

## **2.3.12 Kathleen Dale**

### **Response to Comment KD2-1**

This comment letter resubmits each of the comment letters submitted on the 1<sup>st</sup> RDEIR (December 2014). Responses to these letters are provided in Section 2.5 of the Final EIR.

## Comment Letter KD3

**From:** Kathleen Dale [<mailto:kdalenmn@aol.com>]  
**Sent:** Monday, March 26, 2018 3:56 PM  
**To:** Orlando Hernandez <[ohernandez@fontana.org](mailto:ohernandez@fontana.org)>  
**Subject:** West Valley Logistics Center Specific Plan - Second Revised Draft EIR Comments Part 2 (SCH 2012071058)

KD3-1 [ Mr. Hernandez - this is the third message in a series transmitting my comments on the noted document. The numbered comments below are submitted in response to the City's second recirculated draft environmental impact report for the West Valley Logistics Center project (SCH 2012071058) and your e-mail of Tuesday, March 20, 2018 extending the comment period through today (March 26th).

A quick reply to confirm receipt would be appreciated.

Thank you,

Kathleen Dale  
 Concerned citizen and member of San Gorgonio Chapter of the Sierra Club

KD3-2 [ 1. The EIR cover provides an incorrect e-mail address for the City contact. This simple error calls into question whether the City conducted an independent review of the document and could mean that some timely comments are lost in the ether. Together with the more substantive issues with this document, a new public review period is warranted.

KD3-3 [ 2. While the EIR appendices (Appendix N) include the Specific Plan appendices, the proposed Specific Plan itself has not been made available for public review. The EIR makes repeated references to various provisions of the specific plan as mitigating features. Until this substantive aspect of the proposed project is disclosed, it is not possible to provide fully informed or complete comments on the EIR. A new comment period is warranted once the proposed Specific Plan is released for public review.

KD3-4 [ 3. The project description provides a simple statement that project grading will involve excavation of 2,000,000 cubic yards of soil and that earthwork will balance on site. The EIR and supporting documents do not provide a legible grading plan that allows the public to confirm this statement. Further, site topography, the substantial excavations for building footings, the area of proposed basins, and disclosures of potential need to remove contaminated soils, suggest a reasonable likelihood that excess materials or contaminated materials may need to be hauled from the site. The air quality and noise analyses do not consider the impacts of material hauling as reasonably foreseeable project activities. The lack of a grading plan also hampers the public's ability to evaluate potential aesthetics impacts at this hillside location. Revision and recirculation of the EIR is required to address this deficiency.

- KD3-5 4. The EIR and supporting technical studies are inconsistent as to whether the proposed buildings might ultimately include refrigerated space. For instance, the EIR includes repeated references to provision of plug-ins to accommodate refrigerated trucks; however, the air quality technical study assumes no refrigerated space in the proposed warehouses. The City must clearly disclose the intent and ensure that the air quality, greenhouse gas, health risk assessment, and noise technical studies are revised accordingly.
- KD3-6 5. The traffic study (Exhibit 4-2) assumes 37% of inbound and 25% of outbound trucks will access the project along Rubidoux Avenue to and from State Route 60 (at both Rubidoux Avenue and Market Street). This assumption does not seem reasonable given the more direct, and shorter, routes to Interstate 10. Overstating the assumed distribution of truck trips to Rubidoux Avenue results in understatement of project traffic, air, health risk and noise impacts to the residential communities generally north of the project site. The City must provide substantiation for the assumed trip distribution. If, as expected, less traffic should be routed to Rubidoux Avenue, the traffic study must be updated accordingly and the EIR revised and recirculated for public review.
- KD3-7 6. The EIR mischaracterizes the nature of existing development at the northwest corner of Sierra Avenue and Slover Avenue. The noise technical study characterizes and assesses this location as commercial, when in fact it is residential. The noise analysis must be corrected and the EIR must be revised and recirculated. This fundamental error also calls into question whether the EIR reflects the City's independent judgment.
- KD3-8 7. The noise technical study utilizes a single assumed vehicle mix to model baseline traffic noise conditions throughout the study area. The location utilized to establish this assumption is Rubidoux Avenue, north of State Route 60, a major access point to extensive industrial and warehousing areas. Based on 24-hour traffic counts at this location, it was assumed that approximately 22% of traffic on all studied road segments is medium and large trucks (as defined in the noise study, medium trucks are 2-axle and large trucks are 3 axle and larger). As just one example, comparing the peak hour counts for Rubidoux/WB 60 On ramps (traffic study pdf pages 628-631) and Sierra/Slover (traffic study pdf pages 240-243), Rubidoux Avenue sees at least three times as many trucks as Slover Avenue. This overstated truck percentage for existing conditions skews the baseline so as to understate the incremental increase in noise levels for the majority of the segments considered in the noise analysis. The noise technical study must be updated to provide reasonable assumptions for existing conditions and to reevaluate project impacts based upon the corrected baseline. The EIR must also be revised accordingly and recirculated for public review.

KD3-9 8. It is not clear how the traffic study and EIR address likely cross-town traffic (especially trucks) between the project site and the established and growing warehousing district generally west of Sierra Avenue and north of Jurupa Avenue. The City must clearly disclose assumptions in this regard, update the technical analyses (traffic, air, noise, health risk assessment, and greenhouse gas emissions) accordingly, and recirculate the updated EIR and technical studies.

KD3-10 9. The analysis of Population and Housing impacts (EIR page 4.2.12-8) fails to consider potential displacement of existing homes and residents due to the widening of Locust Avenue, or other off-site streets, particularly in the older residential neighborhoods surrounding the project site. The EIR must be revised to address this potential impact. If new significant impacts are identified, the EIR must be recirculated for public review.

KD3-11 10. The assessment of cultural resources discloses two previously recorded historical resources - the San Bernardino/Sonora Road and an historic transmission alignment. The City and project proponent should consider coordination of preservation of these historic resources in an open space corridor that would also provide a wildlife corridor between the Jurupa Hills and Rattlesnake Mountain.

KD3-12 11. CEQA requires that alternatives be directed at avoiding and minimizing significant impacts. Based upon the numerous and substantial discrepancies and omissions with the EIR as circulated for review, it is not possible to make informed comments as to the adequacy of the proposed alternatives. The EIR must be revised and recirculated, with any corresponding modifications to the alternatives.

## 2.3.13 Kathleen Dale

### Response to Comment KD3-1

This initial statement provides an introduction to the comment that follow and does not raise any substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

### Response to Comment KD3-2

The email address for Orlando Hernandez on the cover of the 2<sup>nd</sup> RDEIR (ohernand@fontana.org) is an older email address for Mr. Hernandez, which nevertheless is still usable. The entirety of the 2<sup>nd</sup> RDEIR was thoroughly reviewed by City staff, including the City Attorney's office, and represents the independent judgment of the City. As detailed in the City's responses to each of the comments received on the 2<sup>nd</sup> RDEIR, there is no need to recirculate the EIR.

### Response to Comment KD3-3

The full text of the WVLCSP has been available on the City's website at <https://www.fontana.org/2137/Environmental-Documents> since the beginning of the 45-day review period for the 2<sup>nd</sup> RDEIR. The Specific Plan is also described in Chapter 3 of the EIR, Project Description.

### Response to Comment KD3-4

The West Valley Logistics Center states that grading for the proposed project is expected to entail the "movement of approximately 2,000,000 cubic yards of material to develop proposed building pads, parking areas, and on-site roadways. Earthwork is expected to balance within the Specific Plan area and will not require the import or export of material to or from off-site locations. The quantity of material required to be moved will be refined as more detailed grading plans are developed. Final grading plans will meet standards of the City of Fontana in place at the time a grading permit is requested." A grading plan is not proposed at this time, nor is a conceptual grading plan available. Based on information provided in the proposed Specific Plan, the 2<sup>nd</sup> RDEIR thus analyzed the stated amount of earthwork based on such earthwork balancing on site. Since no import or export is anticipated to be required, the EIR did not analyze potential impacts from import and export activities. The 2<sup>nd</sup> RDEIR includes a robust analysis of construction air quality and noise impacts, which evaluates graders, dozers, and scrapers pushing dirt in order to grade the site.

### Response to Comment KD3-5

No refrigerated warehouse space is planned, and as such, no refrigerated use is analyzed in the 2<sup>nd</sup> RDEIR. All references to refrigerated warehouse space within the project site are stricken from the Final EIR as shown in Chapter 3, *EIR Errata and Additions*. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

### Response to Comment KD3-6

The TIA reflects the project's truck management program that is set forth on page 3-9 of the 2<sup>nd</sup> RDEIR. The project's traffic distribution patters were vetted and approved by the City of Fontana's Public Works staff prior to commencement of the TIA.

### Response to Comment KD3-7

The land use at the northwest corner of Slover Avenue and Sierra Avenue is designated as Regional Mixed Use. As the comment points out, this is identified as “commercial” in Section 7 of the Noise Study. However, the land use label has no bearing on the results of the analysis at this location, since the project’s off-site traffic noise level increase on Slover Avenue, west of Sierra Avenue, is shown to experience a less than significant project-related off-site traffic noise level increase (specifically, 0 A-weighted decibels [dBA] Community Noise Equivalent Level [CNEL]) under Existing, Opening Year, and Horizon Year conditions. Additionally, the entirety of the 2<sup>nd</sup> RDEIR was thoroughly reviewed by City staff, including the City Attorney’s office, and represents the independent judgment of the City. Therefore, no revisions to the Noise Study or the 2<sup>nd</sup> RDEIR are necessary.

### Response to Comment KD3-8

The count data used in the Noise Study is based on a 24-hour average daily traffic (ADT) count with vehicle classifications provided in the TIA to evaluate the actual vehicle volumes under without and with project conditions across all time frames in the TIA. Out of six ADT counts provided in the TIA, the traffic count on Rubidoux Boulevard north of SR 60 had the highest ADT, and as such, was selected to document the vehicles, by classification, for the project study area as it represents the largest sample size. Further, there are additional land uses adjacent to Rubidoux Boulevard, which the comment does not identify, including existing residential and commercial uses north of SR 60.

The comment compares peak hour traffic count data on Slover Avenue and other roadways to the daily truck percentages in the vehicle count used in the Noise Study; however, the peak hour traffic count data is limited to a two-hour period between 4:00 p.m. to 6:00 p.m. and does not represent a one-to-one comparison with the 24-hour truck mix observed on Rubidoux Boulevard north of SR 60. Further, truck trips associated with uses such as the project (e.g., warehousing) are shown to produce more daily truck trips over 24-hours than those generated during both the AM and PM peak hours, combined. Table 2 of the *West Valley Logistics Center Focused Traffic Assessment* demonstrates this since the daily project trips will total 5,853 (actual vehicles), with 457 during PM peak hour conditions, and 425 during AM peak hour conditions. Therefore, the analysis in the Noise Study is based on the largest available 24-hour ADT count by vehicle type to describe existing conditions in the project study area for comparison with the 24-hour daily passenger vehicle and truck trips generated by the project.

In addition, higher truck traffic percentages under Existing or without project conditions result in higher off-site traffic noise levels without the project, and as a result, more conservatively scrutinize off-site traffic noise level increases generated by the project truck trips. The Federal Interagency Committee on Noise (FICON) significance criteria used in the Noise Study is specifically identified for this purpose; as the without project traffic noise levels increase, the threshold for significant impacts is reduced. For example, when the without-project noise levels are below 60 dBA CNEL, a 5 dBA CNEL project-related off-site traffic noise level increase threshold is used per FICON guidance. As the without-project traffic noise levels increase over time due to ambient growth and cumulative developments, the allowable project-related traffic noise level increase under FICON guidance is reduced to a threshold of 3 dBA CNEL when without-project noise levels range from 60 to 65 dBA CNEL, and lastly, is reduced to an increase threshold of 1.5 dBA CNEL when without-project noise levels already exceed 65 dBA CNEL. As shown on Table 7-1 of the Noise Study for Existing without project traffic noise levels, all roadway segments are shown to experience noise levels greater than 65 dBA CNEL, and therefore, project-related traffic noise level increases are evaluated based on the

most conservative threshold identified by FICON of 1.5 dBA CNEL, which represents a noise level increase and is generally considered less than *barely perceptible*.

Therefore, the existing 24-hour ADT count data on Rubidoux Boulevard north of SR 60 was selected to more accurately describe existing conditions over a 24-hour period when project trucks will be traveling on study area roadway segments, and due to the higher without project noise levels, the allowable project-related traffic noise level increase threshold is reduced to the most restrictive threshold under FICON guidance at adjacent noise-sensitive uses. The noise analysis accurately represents the 24-hour vehicle mix, providing reasonable and conservative assumptions for existing conditions.

### **Response to Comment KD3-9**

The routing of trucks was based on a combination of the location of the proposed project and anticipated truck haul destinations and was supported by use of the regional transportation traffic model—specifically the truck component of the model, which calculated the average truck haul distance for the project to be 38 miles.<sup>1</sup> This average trip length indicates few, if any local trips to nearby locations. Because of the scale of proposed warehouse buildings within the project site, it is highly unlikely a measurable (less than 1 percent) amount of project-generated truck would be “cross-town traffic” between the project site and other warehouses within the “growing warehouse district west of Sierra Avenue and north of Jurupa Avenue.”

### **Response to Comment KD3-10**

It is not anticipated that existing homes along Locust Avenue would be displaced as the result of widening the street to accommodate four lanes of traffic. Thus, no revisions to the 2<sup>nd</sup> RDEIR are needed.

### **Response to Comment KD3-11**

As noted starting on page 4.2.4-9, the San Bernardino/Sonora Road has been designated a California Point of Historical Interest (CPHI-SBR-21). While map research conducted for the EIR was able to approximate the location of the resource, no sign of the road segment across the project site was observed during field survey. Because the portion of the resource through the project area is no longer identifiable, it does not retain historical integrity and does not contribute to the historical significance of the San Bernardino/Sonora Road. Consequently, the proposed project would have no impact on the historic resource on or off site.

A transmission line plotted through the project site appears to date to circa 1938. The 2<sup>nd</sup> RDEIR states that this transmission line is within a Southern California Edison easement between Parcels 5 and 6, and no physical modifications to any structure associated with the transmission line would be undertaken within the easement as part of the project; therefore, the resource would be preserved, and no direct impacts on the resource would occur.

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<sup>1</sup> SCAQMD generally recommends use of a 40-mile one-way trip length for similar land use projects, which is within an order of magnitude of the trip length calculated in the regional traffic model for trucks and utilized for the West Valley Logistics Center project. In its most recent (2008) transportation validation for the 2003 Regional Model, Southern California Association of Governments indicates that the average internal truck trip length for the Southern California Association of Governments region is 5.92 miles for Light Duty Trucks, 13.06 miles for Medium Duty Trucks, and 24.11 miles for Heavy Duty Trucks.



## Response to Comment KD3-12

See Responses to Comments KD3-1 through KD3-11 for response to other comments related to the alleged discrepancies and omissions provided in this comment letter. As indicated in the responses to each of the comments in each of the comment letters received on the original Draft EIR (April 2014), 1<sup>st</sup> RDEIR (December 2014), and 2<sup>nd</sup> RDEIR, the City of Fontana has concluded that the WVLCSP EIR has been prepared in compliance with and meets the requirements of CEQA. The alternatives set forth in the 2<sup>nd</sup> RDEIR provide a reasonable range of alternatives aimed at avoiding or reducing the anticipated impacts of the project.



825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.7910 Fax: 909.387.7876  
[www.SBCounty.gov](http://www.SBCounty.gov)

**Department of Public Works**

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

Kevin Blakeslee, P.E.  
 Director

Comment Letter SBC

**Transmitted Via Email**

March 26, 2018

City of Fontana  
 Orlando Hernandez, Senior Planner  
 8353 Sierra Avenue  
 Fontana, CA. 92335

File: 10(ENV)-4.01

**RE:CEQA – NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WEST VALLEY LOGISTICS CENTER FOR THE CITY OF FONTANA**

Mr. Hernandez:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on February 7, 2018** and pursuant to our review, the following comments are provided and should be addressed **prior to adoption and certification of the Final EIR:**

**Traffic/Transportation Design Divisions (Anthony Pham, PWE III, 909-387-8239):**

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|--------|---|
| SBC-1  | 1. The traffic impact analysis (traffic study) does not utilize current trip generation rates (10 <sup>th</sup> edition, 155) or the current Highway Capacity Manual (6 <sup>th</sup> Edition). Please update the traffic study to current standards.                                   |
| SBC-2  | 2. The traffic impact analysis vehicle distribution assumptions are inconsistent with industry standards, i.e., the percentage split on Slover Avenue from Locust Avenue. Please revise the traffic study to show more justifiable trip distribution.                                   |
| SBC-2a | a. Significant focused truck usage on Locust Avenue is not supported by the County of San Bernardino (County) which goes through a residential area. Please revise the truck distribution to utilize Jurupa Avenue.   |
| SBC-2b | b. Please provide a project alternative in regards to Alder Road connecting to Locust Avenue (i.e. extend 7 <sup>th</sup> Street cul-de-sac to Jurupa/Alder) allowing equal trip distribution on Jurupa Avenue from the project westerly to Sierra Avenue and easterly to Cedar Avenue. |
| SBC-2c | c. Please analyze Cedar Avenue and the I-10 Interchange, including mitigation measures for direct impacts and fair share contribution.  |

**BOARD OF SUPERVISORS**

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|-------|--|
| SBC-3 | 3. Table-1-5 fair share calculations shall use highest percentage. The cost of a signal with an additional lane is to be assumed as \$600,000 in the County. Please revise calculations accordingly. |
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| SBC-4 | 4. The proposed development generates a large number of truck trips on County roadways. Please evaluate traffic mitigation measures and upgrade pavement section and add additional lanes if needed to handle additional traffic for the revised truck distribution routes on all roads not designed for truck traffic. |
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| SBC-5 | 5. Acceptable LOS in San Bernardino for the Valley areas is D. Intersection analysis tables identify LOS E as acceptable for intersection #47, Cedar Avenue and Slover Avenue. Please update tables and mitigation accordingly. |
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| SBC-6 | 6. Please update Existing + Project to current year, 2018. Also, please re-evaluate required improvements based on 2018 impacts. |
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| SBC-7 | 7. The traffic impact analysis assumes trucks will not utilize 7 <sup>th</sup> Street or 11 <sup>th</sup> Street even though there are natural access points proposed at these intersections. Please provide justification and mitigation for preventing trucks on these residential streets. |
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| SBC-8 | 8. The traffic impact analysis identifies a significant increase to the traffic on 7 <sup>th</sup> street which is residential. Please provide segment analysis and justification for increasing commuter traffic in the residential area. Please provide mitigation recommendations as needed including possible pavement reconstruction if needed. |
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| SBC-9 | 9. Locust Avenue currently operates as a two lane road with minimal truck traffic. The traffic impact analysis shows Locust Avenue is proposed to receive an additional 4,200 vehicles (6,300 PCE) with a significant percentage of trucks. Please evaluate mitigation to upgrade pavement section and add additional lanes to handle additional traffic. |
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| SBC-10 | 10. The proposed project significantly increases traffic on roads not constructed to sustain the additional trips generated. Please identify all road infrastructure deficiencies on heavily increased routes including pavement thicknesses, lane widths, curb returns for truck turning movements, etc. |
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| SBC-11 | 11. There are multiple schools in the project trip distribution area. Please provide pedestrian and safe routes to school impact analysis to identify any mitigation requirements. |
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| SBC-12 | 12. The RDEIR states that field observations indicate nominal pedestrian and bicycle activity within the study area. Pedestrian counts were conducted only in the City of Fontana, with the exception of the intersection of the Interstate 10/Cedar Avenue interchange. The RDEIR must also include analyses at County unincorporated intersections, particularly along the proposed truck travel routes. |
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| SBC-13 | 13. RR-TR-1, and other references: The term "San Bernardino County Nexus Fees" should be changed to "San Bernardino County Regional Transportation Development Mitigation Fees" to reflect the accurate title of the County's fee program. |
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| SBC-14 | 14. The RDEIR must indicate that the development of a truck routing plan shall be done in consultation with and approval of the County. |
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- SBC-15

15. There is conflict with bicycle pedestrian plan. The RDEIR states that it does not conflict with any bicycle pedestrian plans in the City of Fontana. However, the RDEIR fails to analyze potential conflicts with planned bicycle infrastructure in the County unincorporated area, particularly for the bicycle infrastructure planned for Cedar Avenue, Locust Avenue, Alder Avenue, Jurupa Avenue, Santa Ana Avenue, and Slover Avenue, which are truck travel routes proposed by the RDEIR. The RDEIR should consult the San Bernardino County Non-Motorized Transportation Plan for analysis of potential conflicts.
- SBC-16

16. Impact TRA-6 mentions construction, but does not analyze whether the project will conflict with transit/bike/ped plans, policies, facilities, after construction. The RDEIR must include analysis for conflict after the facility is operational.
- SBC-17

17. Mitigation Measure TRA-1b: Construction of Transportation Improvements - This mitigation measure must also be applicable to improvements within the County unincorporated area.
- SBC-18

18. The RDEIR fails to analyze whether a CMP traffic analysis is required for the County.
- SBC-19

19. Impact TRA-6 mentions construction, but does not analyze whether the project will conflict with transit/bike/ped plans, policies, facilities, after construction. The RDEIR must include analysis for conflict after the facility is operational.
- SBC-20

20. SP-TR-3, Property Owners' Association Responsibilities – the County must be included as a party to the review and approval process of the CC&Rs (truck traffic management program).
- SBC-21

21. Page 4.15-35 – The Locust Avenue and Jurupa Avenue intersection is referred to as being in the City. The intersection is partially within the County. The RDEIR reference to this intersection should be changed to reflect accurately that this intersection is both within the County and the City.
- SBC-22

22. Mitigation Measure 9.2 requires fair share mitigation within the County area to be paid to a different agency (City Fontana) along with specific time limit terms for collection. Please revise the requirement such that the fair share funds be paid to the respective agency and time limit demands are removed.
- SBC-23

23. Mitigation Measures 1.1, 2.1, and 5.1, reflect mitigation in the County for significant impacts at project opening. Fair share contributions are not allowed in these scenarios. Please revise the recommendation such that significant impacts are corrected at project opening.
- SBC-24

24. Mitigation measures in the traffic impact analysis are not consistent with those in DEIR. This includes recommended improvements as well as the numbering system. Inconsistencies between these two documents make it unclear what improvements and fee payments are required. Please revise traffic study and DEIR to match.
- SBC-25

25. The traffic impact analysis identifies multiple Master Plan designations for various agencies but does not clearly separate these standards with regards to function and mitigation within each agency's jurisdiction. For example, recommended Locust Avenue

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SBC-25 cont. | Improvement calls for 72' curb to curb with 102' ROW, but the County's designation for this road is Secondary Highway of 64' curb to curb with 88' ROW. Please revise the traffic study to clearly address road standards within each agency.

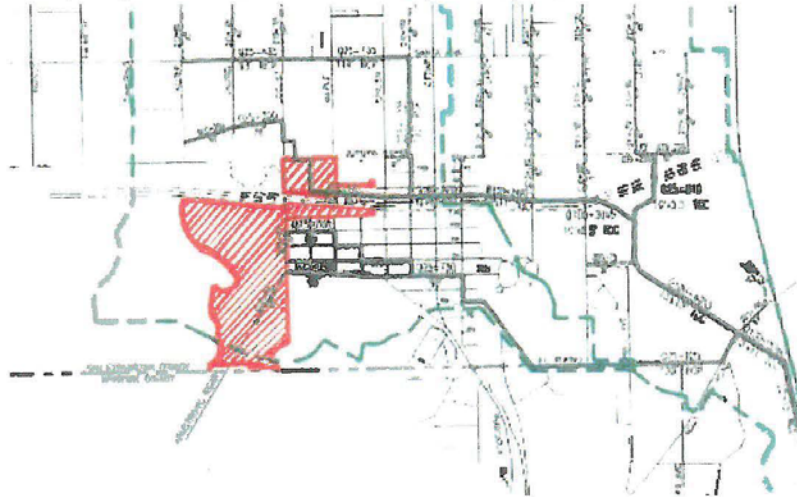
SBC-26 | 26. Drainage issues:  
There are numerous drainage issues in the general area of the development. The County Comprehensive Storm Drain Plan (CSDP 3-4) indicated that a drainage facility, identified as "Line C", traverses the site. We recommend that the City of Fontana continue to use this document to protect the alignment of future facilities. We also recommend that the City of Fontana establish adequate provisions for intercepting and conducting the accumulated drainage around or through the site in a manner that will not adversely affect adjacent or downstream properties. Furthermore, the project should be designed and mitigated in such a way that there shall not be any impact from this development's incremental flows on the downstream properties.

Existing drainage flow of the area is illustrated as follows:



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County Comprehensive Storm Drain Plan 3-4 (CSDP 3-4) Line C:



**Environmental Management Division (Patrick Egle, Planner III, 909-387-1865):**

- Aesthetics:**
- SBC-27 1. 2nd RDEIR Section 4.2.1 Aesthetics, and Figure 4.2.1.1, identify five representative viewpoints primarily from the north, south, and west, of the of the proposed project but fails to provide any representative viewpoints from the existing single family homes located east of Building 1. Within the built environment this residential area is likely the closest to proposed structures and will likely be the most impacted view shed. In addition, the methodology identified on 2nd RDEIR page 4.2.1-9 identifies that project related changes are based largely on viewer sensitivity to the (proposed project) modification. As the view from the existing built environment (these single family homes) will be heavily impacted it appears the DEIR is deficient in not addressing these potential impacts and/or providing mitigation.
  - SBC-28 We recommend the visual analysis be revised to include a view shed analysis from the existing single family homes located within the Bloomington area. It is highly recommended visual simulations be prepared for all view sheds analyzed.
- Land Use Compatibility:**
- SBC-29 1. 2nd RDEIR Section 4.2.10 Land Use appears to lack adequate analysis of potential impacts to surrounding land uses. Chapter 4, Section 4.2.10 Land Use and Planning, page 4.2.10-3 identifies residential land uses near the project that includes "mostly single-family residential developments east of Locust Avenue (between 7th and 11th Streets in Bloomington) and south of the project site (in the City of Jurupa Valley)". The analysis does not discuss potential impacts to existing or planned residential land uses east of proposed development in the community of Bloomington.

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SBC-29 cont. | We recommend the land use compatibility analysis be revised to include an analysis of existing and proposed (in accordance with the area's applicable general or community plan) land uses.

**Noise:**

1. 2<sup>nd</sup> RDEIR ES-50 identifies under impact NOI-1 that The residences 150 feet to the east of the proposed project site would be subject to short-term noise reaching 81 dBA Lmax generated by construction activities near the southern boundary of the project site. In addition, the impact statement identifies potential long-term noise impacts would be associated with stationary sources on the project site and on- and off-site traffic activities.

SBC-30 | The 2<sup>nd</sup> RDEIR fails to identify all practical mitigation measures evaluated before reaching a conclusion that the project will result in Significant Unavoidable Impacts as required under CEQA Guidelines 15126.4. Potential mitigation measures to reduce unavoidable impacts that should be analyzed in the 2<sup>nd</sup> RDEIR include but are not limited to the following:

- Consideration should be given to prohibiting truck traffic along Locust Avenue between 11<sup>th</sup> and 7<sup>th</sup> street to reduce potential operation and traffic related noise impacts to the Bloomington residential community located east of the project site.
- Access to buildings 1 and 2 could be relocated north of the Bloomington residential community located east of the project site instead of north of 11<sup>th</sup> street along Locust Avenue

SBC-31 | 2. As discussed in Impact NOI-1, implementation of the proposed project would result in an increase in noise levels of up to 3.9 dBA CNEL over the existing without project noise environment and 2.7 dBA CNEL over the future year 2040 without project noise environment.

The 2<sup>nd</sup> RDEIR should be revised to further analyze other noise reduction mitigation measures that could potentially be implemented to reduce potentially significant impacts to a less than significant level or more clearly identify why other potential mitigation measures are infeasible.

**Air Quality/Greenhouse Gasses:**

SBC-32 | Mitigation Measure AQ-2, requiring the project to utilize Tier 4 Construction Equipment does not designate who this information would be sent to or what authority they would have to prevent equipment not meeting the Tier 4 equipment standard from being utilized.

SBC-33 | Specific Plan Requirement SP-GHG-4, requires electrical outlets be provided in loading dock areas to provide power for trucks when refrigeration is needed; however there is no requirement for this emission reducing requirements to be utilized or conditions established that would require refrigerated trucks/trailers to utilize this alternative power source..

SBC-34 | In general, the 2<sup>nd</sup> RDEIR should be revised to further analyze other air quality/GHG reduction mitigation measures that could potentially be implemented to reduce potentially significant impacts to a less than significant level or more clearly identify why other potential mitigation measures are infeasible.

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

SBC-35 [ 1. Any proposed work within County road right-of-way will require a Transportation permit from the San Bernardino County Department of Public Works – Permits/Operations Support Division – Transportation Section. If these permits are required, their necessity and any impacts associated with the construction should be addressed in the DEIR prior to adoption and certification.

SBC-36 [ 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 R. Perry**  
Supervising Planner  
Environmental Management

MRP:sr  
Email: [ohernandez@fontana.org](mailto:ohernandez@fontana.org)

cc: David R. Doublet, P.E., Deputy Director – Flood Control  
Mazin Kasey, P.E., Deputy Director – Transportation  
Darren Meeka, P.E., Division Chief – Environmental Management



## 2.3.14 San Bernardino County Department of Public Works

### Response to Comment SBC-1

A supplemental focused traffic assessment was prepared to evaluate the study area intersections using the latest ITE *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017. However, the trip generation for many land uses have decreased in comparison to the 9<sup>th</sup> Edition *Trip Generation Manual*. As such, impacts and improvement needs at study area intersections are consistent with or less than those identified in the TIA.

ITE Warehousing (Land Use Code 150) and High-Cube Transload and Short-Term Storage Warehouse (Land Use Code 154) from the ITE *Trip Generation Manual* (10<sup>th</sup> Edition, 2017) were utilized to estimate the traffic for the project. The Warehousing (ITE 150) use is based on 29 to 47 sites surveyed, the majority of which are less than 500,000 square feet (the average being around 378,000 square feet). Of the available ITE industrial uses, Warehousing (ITE 150) most closely reflects the applicant's proposed buildings that are 500,000 square feet in size or less. The High-Cube Transload and Short-Term Storage Warehouse (ITE 154) is based on 91-103 site surveyed, with an average site size of 828,000 square feet. Of the available ITE industrial uses, Short-Term Storage Warehousing (ITE 154) most closely reflects the applicant's proposed buildings that are between 500,000 and 1,000,000 square feet in size. The High-Cube Fulfillment Center Warehouse use (ITE 155) is based on 1 to 2 sites surveyed, all of which are greater than 500,000 square feet in size (the average being around 1,250,000 square feet). Although the project is anticipated to have a building that is in excess of 1,000,000 square feet, this building is designed for a warehouse use. The High-Cube Fulfillment Center Warehouse use (ITE 155) suggested by the commenter has a high percentage and trip generation for passenger vehicles (employees) and generally requires more parking in comparison to a typical warehouse use, such as ITE 150 or 154. Of the available ITE industrial uses, Short-Term Storage Warehousing (ITE 154) most closely reflects the applicant's proposed building that is greater than 1,000,000 square feet in size. As such, ITE 155 is not a suitable land use for the project as it is currently proposed.

### Response to Comment SBC-2(a)

The commenter sets forth the County's opinion as to whether Locust Avenue should be used for truck traffic. This comment, therefore, raises no substantive issues regarding the 2<sup>nd</sup> RDEIR, its analyses or conclusions. Currently, Locust Avenue is a public street with no restrictions on its use. The EIR acknowledges the presence of sensitive receptors along Locust Avenue north of the project site, including the location of sensitive receptors (residential uses) in relation to the project's truck traffic (see pages 3-29, 4.2.11-26, 4.2.11-33, 4.2.11-51, 4.2.11-58, as well as Tables 4.2.10-1 [Onsite and Surrounding Property Zoning and Land Use Designations], Table 4.2.11-21 [Existing with Project Conditions Noise Contours], and Table 4.2.11-23 [Year 2040 with Project Conditions Noise Contours]).

### Response to Comment SBC-2(b)

The concept of extending Alder Avenue south of Jurupa Avenue through the project site was rejected due to the very steep hillside the roadway would need to traverse to make that connection. Extension of Alder Avenue from Jurupa Avenue through the project site to Locust Avenue would require extensive grading through an area proposed for habitat preservation, resulting in a significant impact on biological resources and substantially increasing air quality and construction

noise impacts. Cutting a roadway through the existing hillside would also result in damaging the western hillside area as a scenic resource.

Additionally, extending Alder Avenue may not result in avoidance of any of the project's significant impacts due to the fact that the Alder Avenue extension would primarily serve the project's truck traffic and passenger cars would still utilize Locust Avenue. Additionally, the extension of Alder Avenue may also result in additional traffic impacts along Alder Avenue, Jurupa Avenue, and Sierra Avenue due to the increased traffic along this segment. New significant noise impacts would also occur along Jurupa Avenue west of Alder Avenue as the result of truck traffic.

Because the routing of truck traffic along Alder Avenue to Jurupa Avenue and Sierra Avenue does not eliminate significant impacts addressed in the 2<sup>nd</sup> RDEIR and would (1) create new traffic and noise impacts along Alder Avenue, Jurupa Avenue, and Sierra Avenue, (2) create new biological resources impacts, and (3) increase construction-related air quality impacts, the concept of extending Alder Avenue south of Jurupa Avenue through the project site was rejected.

### **Response to Comment SBC-2(c)**

The I-10 freeway interchange at Cedar Avenue was evaluated in the TIA and EIR as intersections 44 and 45. Improvements were recommended when required to improve deficient peak hour operations and fair share was also calculated (see Appendix L, TIA, to the 2<sup>nd</sup> RDEIR, Sections 8.0 and 9.0).

### **Response to Comment SBC-3**

The dollar amounts provided in the TIA is a rough order of magnitude cost estimate and have been provided for discussion purposes. No engineering design has been prepared for the improvements recommended in the TIA. Fair share costs to be paid by the project in the future will be based on the actual costs of the individual improvements based on and Engineer's Estimate when the improvements are ready to be implemented.

### **Response to Comment SBC-4**

For County roadways, the project proposes to send trucks along Slover Avenue, Locust Avenue, Cedar Avenue, and Jurupa Avenue. The project also proposes widening and improving Locust Avenue between the project and Slover Avenue, including improving the roadway's pavement to accommodate project-related truck traffic. Improvements identified along Cedar Avenue include turn pocket improvements, but no widening is recommended until Horizon Year (2040) conditions near Valley Boulevard and I-10. See Response to Comment SBC-9 for discussion of proposed improvements to roadways within unincorporated San Bernardino County.

### **Response to Comment SBC-5**

Cedar Avenue and Slover Avenue is identified as a CMP location. Since this location is identified as a CMP location by the regional agency (San Bernardino Associated Governments, now the SBCTA), the regional agency's LOS E threshold was utilized for this location in recognition of the location's regional status. All other intersections within the County of San Bernardino (which are not CMP intersections) utilized the LOS D criteria consistent with the County's criteria for the Valley areas.

## Response to Comment SBC-6

The project opening year is, in fact, anticipated to be 2018. Public hearings for this project are expected to be held in Quarter 3 of 2018 and project construction and operations impacts could immediately follow. No revisions are needed to the 2<sup>nd</sup> RDEIR in relation to this comment.

## Response to Comment SBC-7

The following measures have been proposed to implement and ensure enforcement of the project's truck routing plan (see 2<sup>nd</sup> RDEIR Section 3.4.3, *Circulation Improvements*):

1. Configuring project driveways and intersections to direct traffic in the appropriate direction (see Response to Comment CJV-33 and Final EIR Figure 2-1);
2. Signage directing trucks from and to the Specific Plan along the project's proposed truck routes to the I-10 and SR 60 freeways;
3. Requiring building owners/lessees to inform truck drivers of the approved routes to and from the West Valley Logistics Center;
4. Requiring dispatchers to provide truck drivers leaving the building with verbal and written instructions regarding approved truck routes to area freeways;
5. Implementing and maintaining a monitoring program to identify the actual routes trucks are taking to and from the West Valley Logistics Center;
6. Using commercially reasonable means to enforce the use of approved truck routes;
7. Providing annual reporting to the City of Fontana regarding the actual routes trucks are taking to and from the West Valley Logistics Center; and
8. Establishing the City of Fontana as a third-party beneficiary of the Property Owners' Association Traffic Guidelines and providing the City with the right to take over administration of the Traffic Guidelines if the Transportation Management Committee fails to discharge its obligations.

## Response to Comment SBC-8

As shown in Figure 4.2.15-7 of the 2<sup>nd</sup> RDEIR, approximately 16 percent of the project's automobile traffic (530 vehicles daily, including 41 vehicles in the AM peak hour and 41 vehicles in the PM peak hour) would travel east along 7<sup>th</sup> Street between the project site and Citrus Avenue.

The Locust Avenue/Armstrong Road/7<sup>th</sup> Street/Alder Avenue intersection is on the border between the City of Fontana and unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable (per both City and County standards) LOS F in the PM peak hour even without development of the West Valley Logistics Center. Because the project would provide full improvements, this intersection would operate at acceptable LOS C in the PM peak hour.

The Cedar Avenue/7<sup>th</sup> Street intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS E in the AM and PM peak hours without development of the West Valley Logistics Center. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the San Bernardino County Regional Transportation Development Mitigation Program. EIR Mitigation Measure TRA-1e requires fair

share payment to San Bernardino County for needed improvements that would provide an acceptable LOS (LOS D), thereby improving future without project LOS at this intersection (LOS E).

Because the proposed project would only add 41 vehicles each in the AM and PM peak hour, impacts would be mitigated at the intersections of 7<sup>th</sup> Street with both Locust Avenue and Cedar Avenue, and the accepted countywide methodology for traffic impact analyses calls for analysis of impacts at intersections rather than roadway segments, the roadway segment analysis requested in this comment is unwarranted. Further analysis of roadway capacity is not warranted since the project contributes less than 50 peak hour trips to the roadway and since the project's contribution of daily traffic on this segment represents approximately 10 percent of the existing daily traffic. In other words, the project would add approximately 10 percent of daily traffic above the existing conditions along this segment and therefore the potential impacts from the project would be negligible. The EIR correctly identifies the increase in traffic that would result from development of the proposed project, along with the impacts of such traffic at intersections per the applicable analysis methodology, and also proposes appropriate mitigation for identified impacts. Whether the project-related increase in vehicular traffic is "justified" is a planning issue, rather than an environmental issue, and is therefore not addressed in the EIR.

All roadway improvements that are either proposed by the applicant or required as EIR mitigation measures would be constructed to the requirements of the agency within whose jurisdiction such improvements are provided, including, among other requirements, pavement sections.

## Response to Comment SBC-9

The EIR's project description states that the improvements sought by the County in this comment are part of the project. On page 3-2, the 2<sup>nd</sup> RDEIR states that the project's "primary off-site roadway improvements include widening and pavement improvements to Locust Avenue from Jurupa Avenue north to Slover Avenue and improvements along the south side of Jurupa Avenue from Locust Avenue east to Kessler Park." Improvements would be provided within the City of Fontana, City of Jurupa Valley (see Response to Comment SBC-10), and within unincorporated San Bernardino County.

The 2<sup>nd</sup> RDEIR identifies the following improvements and funding contributions would be made to as part of the project:

- Widen Locust Avenue between Jurupa Avenue and Slover Avenue to provide four travel lanes with a pavement section adequate to support proposed truck traffic. As stated in the WVLCSP, Locust Avenue would be initially improved with one travel lane in each direction, with widening to two lanes in each direction undertaken at such time as traffic warrants.
  - *Locust Avenue/Slover Avenue* intersection: provide northbound left-turn lane, westbound left-turn lane, and northbound right-turn lane.
- Provide full half-width roadway improvements along the south side of Jurupa Avenue from Locust Avenue to Kessler Park, where full half-width improvements along the south side of Jurupa Avenue are currently in place.
- Widen the westbound approach of Jurupa Avenue to Locust Avenue to accommodate a westbound left-turn pocket.
- Provide traffic signals at the following intersections:

- Locust Avenue /Jurupa Avenue (construct)
- Locust Avenue/11<sup>th</sup> Street (construct)
- Locust Avenue/7<sup>th</sup> Street (construct)
- Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the San Bernardino County Regional Transportation Development Mitigation Program)
- Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County)

### Response to Comment SBC-10

As stated in the WVLCSP, the project applicant proposes to provide geometric improvements along the primary truck routes to the I-10 and SR 60 freeways including adequate site distance and room for turning movements. Determination of the specific improvements (e.g., pavement thickness, lane widths, curb returns for truck turning movements) that would be required to implement this performance standard would be made in coordination with San Bernardino County and the City of Jurupa Valley for roadways under their jurisdictions.

### Response to Comment SBC-11

As analyzed in Section 4.2.15 in relation to Impact TRA-4, the 2<sup>nd</sup> RDEIR determined that roadways in the area would meet the applicable standards of the City of Fontana and San Bernardino County. This analysis also recognized that the proposed Specific Plan sets forth Truck Management Plan to minimize impacts on nearby residential neighborhoods by guiding project traffic to the regional transportation network and away from residential streets, along with specific physical improvements to facilitate the movement of trucks along proposed truck routes as provided in Specific Plan Requirement SP-TR-1, SP-TR-3, and SP-TR-4. Specific Plan Requirement SP-TR-1. The truck routing plan includes requirements for:

1. Driveway designs and the geometrics of the intersection of Alder Avenue and Locust Avenue/ Armstrong Road to direct trucks to the north and away from Valley Way.
2. A comprehensive roadway and highway signage program to direct trucks along designated routes between the project site and area freeways (see Section 3.4.3, *Circulation Improvements*).
3. Off-site improvements including roadway widening and signalization to accommodate project-related trucks (see Section 3.4.3, *Circulation Improvements*).
4. Requirements for providing instruction to truck drivers regarding approved routes.
5. Requirements for the Property Owners' Association to monitor truck traffic and enforce applicable Specific Plan regulations.

Because applicant-proposed improvements included geometric improvements along the primary truck routes to the I-10 and SR 60 freeways to provide adequate site distance and room for turning movements, the City of Fontana determined that additional analysis was unwarranted and impacts would be less than significant.

In addition, as analyzed in Section 4.2.9, *Land Use and Planning*, the proposed project is consistent with adopted policies, plans, and programs regarding public transit, bicycle, and pedestrian

facilities. As described by Specific Plan Requirement SP-TR-5, bicycle racks will be provided at central locations on Parcels 1 through 7 for Buildings 1 through 7 (e.g., between buildings or in central parking areas) for employees who wish to bicycle. For analysis on consistency with existing policies, plans, or programs, see Section 4.9, Land Use and Planning. Impacts would be less than significant and no mitigation would be required.

See also Response to Comment SBC-12.

## Response to Comment SBC-12

It is unclear why additional pedestrian counts are necessary or how they would inform the environmental issues analyzed in the EIR. Trucks in and of themselves do not necessarily represent a greater safety risk because, although their size and mass is greater than passenger vehicles, they are often traveling at slower speeds and are more visible than smaller vehicles. For CEQA purposes it must be assumed that drivers related to the project, whether they be driving trucks or passenger vehicles (or additional residents if the project site were to remain residential), will obey all traffic laws, speed limits, and signage which provide for public safety along local streets and at intersections. In addition, the project would be adding sidewalks which do not currently exist. Sidewalk construction along Locust Avenue, Jurupa Avenue, Armstrong Road, and Alder Avenue would be provided by the project to facilitate pedestrian access throughout the area. The project will also be required to add traffic signals. These features will improve overall safety for pedestrians and bicyclists on local roads compared to existing conditions. Moreover, although truck trips have increased significantly in the immediate vicinity of the project, including in the County of San Bernardino, and including throughout the proposed truck travel routes, there have not been any increased impacts from these uses to safety or pedestrian and bicycle activity.

Based on information available from land uses in the immediate vicinity of the project, including the County of San Bernardino, and inspection of area maps showing school locations, it appears that few students would actually be traveling adjacent to the proposed project site. The City has determined that project-related truck traffic does not represent a significant safety hazard for pedestrians or bicyclists, even if the nominal activity within the immediate vicinity of the project, including the County of San Bernardino, were to increase. Without additional information on why additional pedestrian counts are necessary, the City is unable to respond further.

The County has recently approved an approximately 675,000 square foot warehouse on the northwest corner of Cedar Avenue and Jurupa Avenue which is in active construction (County Project No. P201500122). The County is also currently processing a proposal for a similar warehouse at the northeast corner of Jurupa Avenue and Locust Avenue adjacent to the proposed project. Both of these County projects, in addition to the proposed project, provide off-site improvements, including the installation of curbs, sidewalks, and traffic signals, as well as the widening of roadways. These off-site improvements increase pedestrian safety. Notably (and correctly), the County did not determine that the approximately 675,000 square foot warehouse on the northwest corner of Cedar Avenue and Jurupa Avenue would result in a significant and unavoidable impact on pedestrian safety. No substantial evidence has been provided that the proposed project has the potential to result in negative impacts to pedestrian safety.

### Response to Comment SBC-13

The “San Bernardino County Regional Transportation Development Mitigation Program” is often commonly referred to as the “Nexus Program” or “San Bernardino County Nexus Program.” All references to the “San Bernardino County Program” or “San Bernardino County fees” will be revised to “San Bernardino County Regional Transportation Development Mitigation Program” or “San Bernardino County Regional Transportation Development Mitigation Fees,” respectively. See Final EIR Chapter 3.

### Response to Comment SBC-14

All physical improvements proposed by the applicant to be provided within unincorporated San Bernardino County will be subject to the County’s approval. However, while the City of Fontana will consult and coordinate with the County of San Bernardino on all aspects of project-related truck routing and roadway mitigation requirements, including the opportunity to review and comment on the project’s Covenants, Conditions, and Restrictions (CC&Rs), approval authority for CC&Rs for the proposed project as for any project within Fontana will rest solely with the City.

### Response to Comment SBC-15

Review of the County of San Bernardino’s Non-Motorized Transportation Plan (May 2015) identifies that the following roadways are planned to have Class II bike lanes in the future: Sierra Avenue, Slover Avenue, Santa Ana Avenue, Jurupa Avenue (and Class I bike path south of Jurupa Avenue in the Southern California Edison utility easement), Alder Avenue, Locust Avenue, Cedar Avenue, 7<sup>th</sup> Street. However, review of this plan did not indicate any provisions that trucks should not be allowed on any roadways with Class II bike lanes. In fact, Sierra Avenue south of the I-10 freeway, Slover Avenue, and Santa Ana Avenue currently carry truck traffic. Because any project-related improvements on roadways identified in the County’s Non-Motorized Transportation Plan would be designed to include the planned bicycle facilities, no conflict with the plan would occur.

### Response to Comment SBC-16

Because any project-related improvements on roadways identified in the County’s Non-Motorized Transportation Plan would be designed to include the planned bicycle facilities, no conflict with the plan would occur.

### Response to Comment SBC-17

Mitigation Measure TRA-1b currently requires the following improvements to be provided within or partially within unincorporated San Bernardino County. Each of these improvements would be made to County standards and would be subject to County approval. These improvements are also proposed by the applicant as set forth in the WVLCSP.

- Jurupa Avenue: Widen eastbound lanes to full half-width improvements from Locust Avenue to Kessler Park prior to a certificate of occupancy for the first building within the project site. (Included in applicant’s proposed improvements.)
- Locust Avenue/Jurupa Avenue Intersection: Add southbound through, westbound left-turn, and northbound right-turn lanes and install a traffic signal prior to a certificate of occupancy for the

first building within the project site. (Construction of traffic signal included in applicant's proposed improvements.)

- Locust Avenue/Armstrong Road from Jurupa Avenue to the Riverside County line: Provide full improvements, including turning movements and signalization prior to a certificate of occupancy for the first building within the project site. (Included in applicant's proposed improvements.)
- Locust Avenue/11th Street: Install a traffic signal prior to a certificate of occupancy for the Building 1 within the project site. (Included in applicant's proposed improvements.)
- Locust Avenue–Armstrong Road/Alder Avenue-7th Street: Install a traffic signal prior to a certificate of occupancy for the Building 1 within the project site. (Included in applicant's proposed improvements.)
- Locust Avenue from Jurupa Avenue to Slover Avenue: Improve the roadway to provide an adequate roadway section to accommodate trucks prior to a certificate of occupancy for the first building within the project site and widen the roadway to provide four travel lanes when such widening is warranted. (Included in applicant's proposed improvements.)
- Linden Avenue/Slover Avenue Intersection: Pay 100 percent of the cost of signalization to San Bernardino County prior to a certificate of occupancy for the first building within the project site. Installation to be undertaken by the County as part of intersection improvements funded by the San Bernardino County Regional Transportation Development Mitigation Program which does not currently include funds for signalization. (Included in applicant's proposed improvements.)
- Maple Avenue/Slover Avenue Intersection: Pay 100 percent of the cost of signalization to San Bernardino County prior to a certificate of occupancy for the first building within the project site. (Included in applicant's proposed improvements.)

Because these improvements are proposed by the applicant and already included in Mitigation Measure TRA-1b, no revisions to that measure are warranted.

### **Response to Comment SBC-18**

As stated on pages 4.2.15-6 and 4.2.15-8 of the 2<sup>nd</sup> RDEIR, the project's TIA follows the requirements of the San Bernardino County CMP. Intersections contained in the CMP are clearly identified in Table 4.2.15-4, Intersection Analysis Locations, of the 2<sup>nd</sup> RDEIR.

### **Response to Comment SBC-19**

See Response to Comment SBC-15.

### **Response to Comment SBC-20**

Because the West Valley Logistics Center is located within the City of Fontana, it is the City's responsibility to enforce the Specific Plan and applicable mitigation measures. For this reason, the project's CC&Rs will be required to provide that the Association, any Owner, or the City as a third-party beneficiary, shall have the right to enforce compliance "in any manner provided by law or in equity, or in bringing an action for damages, an action to enjoin the violation or to specifically



enforce the provisions.” In addition, the project will be subject to Conditions of Approval, including compliance with a Truck Traffic Management Plan, that are enforceable by the City.

The City will provide the CC&Rs to the County for review and comment and will also provide the County with copies of the ongoing mandatory reporting of the actual routes trucks are using to access the project site. If the County identifies violations of the approved truck routing plan, the City will work with the County get trucks back onto the approved routes. The City will not, however, give authority to the County to directly enforce provisions of a specific plan or EIR mitigation measures for a project within the City of Fontana.

### **Response to Comment SBC-21**

The reference will be modified to show that Locust Avenue and Jurupa Avenue is in both the City of Fontana and the County of San Bernardino (see Final EIR Chapter 3). However, this text revision does not affect the analysis or findings of the TIA.

### **Response to Comment SBC-22**

See Response to Comment SBC-17 for discussion of Mitigation Measure TRA-1b and its requirements for improvements and payments to be made by the project to address impacts within unincorporated San Bernardino County. Mitigation Measures TRA-1b, TRA-1c, TRA-1d, and TRA-1e, as set forth in the Mitigation Monitoring and Reporting Program (MMRP) included in the Final EIR, do not include any time frames other than the requirements as to when the project must make fair share payments. All payments required by the San Bernardino County Regional Transportation Development Mitigation Program will be made to the City of Fontana as required by that program to cover the project's fair share for its impacts to the regional roadway and highway system. Funds collected by the City under the San Bernardino County Regional Transportation Development Mitigation Program will be used for roadway and highway improvements as required by that program. Fair share payments for impacts to facilities within unincorporated San Bernardino County that are not part of the San Bernardino County Regional Transportation Development Mitigation Program will be paid directly to San Bernardino County as required by EIR mitigation measures with no time restrictions other than those required by law.

### **Response to Comment SBC-23**

The project is anticipated to contribute to the existing deficiency, however, the construction of additional lanes is not feasible to improve the existing or Existing + Project deficiency. Thus, the deficient LOS is not an impact of the proposed project but represents the project's contribution to an existing significant cumulative impact caused by past and present projects. The only feasible improvement is the installation of a traffic signal which would improve the delay and associated LOS grade to levels better than pre-project conditions. As such, the installation of a traffic signal at Alder Avenue/Santa Ana Avenue, Locust Avenue/Santa Ana Avenue, and Linden Avenue/Slover Avenue would be in excess of the nexus of what the project should be required to implement.

### **Response to Comment SBC-24**

Although the numbering convention of the mitigation measures between the TIA and the EIR differ, the recommendations found in both documents are consistent with one another. The specific

wording and numbering of mitigation measures to be implemented for the WVLCSP are set forth in the MMRP contained in the Final EIR.

### **Response to Comment SBC-25**

City of Fontana roadway cross-sections will be utilized within the City and the County's roadway cross-section will be utilized within unincorporated County areas. Transitions between the two will be addressed through coordination with both agencies during the design process.

### **Response to Comment SBC-26**

As stated in the WVLCSP, on-site detention basins will be designed to meet San Bernardino County requirements that 100-year flows be reduced to 90 percent of the existing 25-year peak flow rate. Thus, post development storm water flows will be less than under existing conditions (see also discussion of Impact HYD-4 starting on page 4.2.9-23 of the 2<sup>nd</sup> RDEIR). The City will refer to the County Comprehensive Storm Drain Plan (CSDP 3-4) as part of its review of site storm drainage and will ensure that the alignment of future facilities will be compatible with the County's plan, such that runoff from the project site will not impact downstream properties.

### **Response to Comment SBC-27**

A line of sight analysis was conducted from six locations, as shown in Figure 4.2.1-3, to illustrate which project elements would be visible from surrounding areas and which elements would not be visible. The analysis accounts for topography and other intervening elements like landscaping or other development between the viewer and the project site to illustrate what would be visible if the project is implemented.

Line of Sight Section 4 illustrates views of proposed Building 7 from Kessler Park to the east within the Bloomington community. As shown in Figure 4.2.1-3, the finished floor elevation of proposed Building 7 would be below natural elevation at the property line. When viewed from Kessler Park, which is approximately 857 feet east of the building's property line, views of the top few feet of the building might be visible behind landscaping proposed to be planted on the slope within the project site.

Line of sight Section 6 illustrates views of proposed Building 1 from the residential trail at the edge of the residential area to the east of the project site across Locust Avenue. As shown in Figure 4.2.1-3, views would be of the building's landscaped setback and screen wall. Views of the project site development would be limited to travelers along Locust Avenue/Armstrong Street, westbound travelers along 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> streets, and the residential units backing onto Locust Avenue/Armstrong Street. Also, Building 7 would be visible to residents along 11<sup>th</sup> Street, approximately 700 feet to the south of the project site. Views of the project site from within the Bloomington community would be obscured by buildings and landscaping within the community itself.

### **Response to Comment SBC-28**

See Response to Comment SBC-27. Analysis in addition to the line of sight analysis provided in Section 4.2.1, Aesthetics, of the 2<sup>nd</sup> RDEIR is not warranted.

## Response to Comment SBC-29

Land use compatibility speaks to the extent to which adjacent or proximate land uses can function harmoniously and thereby minimize impacts on each other. Issues of land use compatibility are considered during CEQA review in relation to specific physical environmental impacts so that Lead Agencies can identify and ultimately minimize (or eliminate) a project's impacts on adjacent or proximate uses that could constrain the utility or desirability of these uses.

"Land use compatibility" is not a threshold of significance within CEQA and is therefore typically addressed as part of the planning review of a project. While CEQA requires Lead Agencies to consider surrounding land uses when evaluating environmental impacts, "land use compatibility" is a planning concept that is informed largely by analysis of various environmental factors, i.e., a land use may ultimately be considered incompatible by a Lead Agency in its planning review process because of the use's significant environmental effects under CEQA in relation to adjacent or proximate land uses.

CEQA documents are typically organized by environmental resources and issues, rather than by the geographic location where environmental effects would be experienced. Therefore, whether or not development of the West Valley Logistics Center would be "compatible" with adjacent land uses is addressed throughout the 2<sup>nd</sup> RDEIR in its analysis of physical environmental effects. Resource areas are addressed under CEQA that contribute to land use compatibility are addressed in the following sections of the 2<sup>nd</sup> RDEIR:

- **Aesthetics:** Uses that disrupt scenic vistas as viewed from adjacent and proximate properties and uses that negatively affect the community character of nearby lands could be said to be "incompatible" with the uses of those nearby lands. Issues of impacts on scenic vistas and changes to the visual character of the project site that may affect the surrounding community are addressed in EIR Section 4.2.1, Aesthetics. The EIR concludes that Aesthetics impacts, with implementation of project design features and regulatory requirements such as design review, are less than significant.
- **Air Quality:** Uses that negatively affect nearby sensitive populations or uses that introduce sensitive populations in a manner that could restrict operations of existing uses (e.g., placing a senior housing facility near an active airport) due to noise, air pollutant emissions, or odors could be considered to be incompatible. Impacts from criteria pollutants emitted during construction and operation of the project and their effects on nearby sensitive receptors, as well as impacts of TACs on sensitive receptors (e.g., existing and proposed residential uses) are addressed in EIR Section 4.2.2, *Air Quality*. The EIR concludes that Air Quality impacts, with implementation of project design features, regulatory requirements, and EIR mitigation measures, are significant and unavoidable in relation to emissions of criteria air pollutants to the regional air basin and less than significant in relation to exposure of sensitive receptors to substantial pollutant concentrations.
- **Hazards and Hazardous Materials:** Incompatible uses would typically include uses involving:
  - Placement of sensitive populations or large concentrations of people near large-scale emitters of TACs; or
  - Placement of uses such that the use, storage, or transportation of hazardous materials would constitute an unacceptable risk to nearby uses.

- Impacts involving development of the project site that could result in hazards to the public from on-site activities and use of hazardous materials during site construction and operation are addressed in EIR Section 4.2.8. The EIR concludes that Hazards and Hazardous Materials impacts, with implementation of project design features, regulatory requirements, and EIR mitigation would be less than significant.
- **Surface Water Hydrology and Water Quality:** Development that would create or exacerbate flooding, drainage, or water quality problems on proximate lands could be considered to be incompatible. Impacts related to flooding, drainage, and water quality conditions is addressed in EIR Section 4.2.9, *Hydrology and Water Quality*. The EIR concludes that Hydrology and Water Quality impacts, with implementation of project design features and regulatory requirements, would be less than significant.
- **Land Use:** Placement of uses adjacent or in proximity to each other without adequate buffer areas or contrary to General Plan policy or zoning ordinance requirements would be considered to be a land use incompatibility. Impacts involving consistency with planning policy are addressed in EIR Section 4.2.10, *Land Use and Planning*. The EIR concludes that Land Use and Planning impacts would be less than significant under CEQA. The determination as to whether the proposed project includes adequate buffer areas would be made as part of the City's planning and design review processes.
- **Noise and Vibration:** Adjacent or proximate uses could be considered to be incompatible if the noise levels generated by either use would exceed the applicable noise standards of the other use on an ongoing basis. While construction noise levels could adversely affect surrounding uses on a temporary basis, construction noise is not typically considered a land use compatibility issue. Project impacts in relation temporary construction noise and long-term operational noise are addressed in EIR Section 4.2.11, *Noise and Vibration*. The EIR concludes that construction noise would be less than significant with implementation of project design features and regulatory requirements, as well as placement of temporary noise barriers as described in the EIR. The EIR also concludes that on-site activities would not exceed noise standards for nearby residential uses either during daytime or nighttime hours (Tables 4.2.11-17 through 4.2.11-20). Finally, the EIR also concludes that ongoing traffic related to the proposed project would have a significant unavoidable impact even with implementation of project design features, regulatory requirements, and EIR mitigation measures.

A review of Table 4.2.11-24 shows that under future 2040 conditions, proposed project traffic would increase future projected noise levels without the project by up to 3.9 dBA at residential uses on 11 roadway segments along Locust Avenue and Jurupa Avenue. In each of these locations, residential uses would experience unacceptable CNEL noise levels of 70.0 to 76.2 dBA without project traffic. With project traffic, CNEL noise levels at adjacent residential uses would range from 73.9 to 79.5 dBA.

- **Traffic and Circulation:** Placement of a use that would block or hinder normal or emergency access to an adjacent or proximate use could be considered to be incompatible. Impacts related to circulation and access are addressed in EIR Section 4.2.15, *Transportation and Traffic*. The EIR concludes that while construction impacts would be mitigated to a less-than-significant level, operations impacts would be significant and unavoidable, even with project design features and EIR mitigation measures. This occurs since many impacts for which mitigation is proposed are outside of the City of Fontana within unincorporated San Bernardino County and the City of Jurupa Valley, as well as on Caltrans facilities. While proposed mitigation measures can and

should be implementation of, and the City does not have the authority to impose such measures along roadways over which it does not have authority. In comparison, the WVLCSP proposes a series of improvements along unincorporated roadways to facilitate movement of project-related trucks.

### **Response to Comment SBC-30**

The Noise Study was prepared consistent with the truck traffic distributions in the TIA, and with the access and driveways proposed as a part of the project site plan. Project traffic distributions and site access for trucks were established based on the proposed truck routing plan set forth in the proposed Specific Plan and other project considerations including but not limited to the methods of the TIA, scoping agreement, and design considerations as proposed by the project applicant.

### **Response to Comment SBC-31**

The Noise Study considered potential mitigation measures in the form of off-site noise barriers and rubberized asphalt to reduce these impacts. Based on a review of these potential mitigation measures, rubberized asphalt, as required by Mitigation Measure NOI-1, was determined to reduce, but not eliminate, the off-site traffic noise level impacts at land uses adjacent to seven impacted roadway segments within the City of Fontana.

### **Response to Comment SBC-32**

The commenter is asking for clarification on who the information would be sent to if construction equipment does not meet Tier 4 standards and what authority they have to prevent equipment not meeting Tier 4 standards.

Mitigation Measure MM AQ-2 explicitly states that *“All non-road construction equipment greater than 50 horsepower shall meet EPA Tier 4 emission standards with the following exception. Equipment with an engine compliant with only Tier 3 emissions standards will be allowed on a case-by-case basis only when the applicant shows a good faith effort to procure Tier 4 equipment, and documents that no Tier 4 equipment is available for a particular equipment type within the County of San Bernardino within the scheduled construction period. Each case shall be documented with signed written or emailed correspondence by the appropriate construction contractor, along with documented correspondence from at least two construction equipment rental firms representing a good faith effort to locate engines that meet Tier 4 requirements, as applicable. Documentation will be submitted to City staff for review before Tier 3 equipment is used on the project.”*

As shown, the discussion clearly states, “Documentation will be submitted to City staff for review before Tier 3 equipment is used on the project.” Responsibility lies specifically with the City staff.

### **Response to Comment SBC-33**

No refrigerated warehouse use is planned, and as such, refrigerated warehouse use is not analyzed in the Air Quality Study or HRA. All references to refrigerated warehouse use in the 2<sup>nd</sup> RDEIR will be stricken from the Final EIR. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

## Response to Comment SBC-34

The commenter does not provide any additional mitigation measures that should be considered. The 2<sup>nd</sup> RDEIR includes all feasible mitigation measures; furthermore, Section 1.6 of Appendix F of the 2<sup>nd</sup> RDEIR includes a summary of applicable mitigation measures and clearly states why additional mitigation measures are not feasible. Section 1.6 of Appendix F is restated here for clarity:

The SCAQMD provided a comment letter on the Notice of Preparation of a CEQA document for the project and also provides comments on other CEQA projects. The SCAQMD's comment letter for the West Valley Logistics Center project and more recent CEQA documents includes a reference to several sources to consider for purposes of mitigating significant air quality impacts. The following table evaluates the applicability of the SCAQMD's recommended measures.

**Table 1-1: Applicability of SCAQMD-Recommended Mitigation Measures**

Mitigation Measure	Applicability
Chapter 11 of the SCAQMD <i>CEQA Air Quality Handbook</i> (Construction)	The applicable mitigation measures listed in Chapter 11 (Tables 11-2, 11-3, and 11-4) of the SCAQMD <i>CEQA Air Quality Handbook</i> have been reviewed. Applicable portions of these measures have already been incorporated into the project mitigation measures (MMs).
Chapter 11 of the SCAQMD <i>CEQA Air Quality Handbook</i> (Operations)	The applicable mitigation measures listed in Chapter 11 (Tables 11-6c and 11-7c) of the SCAQMD <i>CEQA Air Quality Handbook</i> have been reviewed. A few of the mitigation measures recommended here are already included in the project, specifically: MM AQ-10, MM AQ-11, MM AQ-12, MM AQ-13, and MM AQ-14 are consistent with several measures recommended by SCAQMD.  However, none of the additional mitigation measures beyond those identified above would reduce the significant NO <sub>x</sub> impact to less than significant levels. It should be noted the SCAQMD <i>CEQA Air Quality Handbook</i> has not been updated since 2003.  Additionally, several of the measures listed provide a negligible NO <sub>x</sub> reduction with a number designated by SCAQMD has having no quantified benefit or negligible benefit. Therefore, implementation of these measures would not avoid or substantially lessen mobile source NO <sub>x</sub> emissions attributable to the project.
SCAQMD CEQA Web Pages (Fugitive Dust)	With application of BACMs and recommended MMs, the project would not have a significant impact for construction or operational related PM <sub>10</sub> or PM <sub>2.5</sub> emissions. Therefore, no additional mitigation measures are required to reduce fugitive dust emissions.
SCAQMD CEQA Web Pages (Greenhouse Gases)	Same as "CAPCOA's <i>Quantifying Greenhouse Gas Mitigation Measures</i> " discussion. See below.
SCAQMD CEQA Web Pages (Harbor Craft, Locomotives, Ocean Going Vessels)	The following mitigation measures are not applicable to the proposed project. It is not expected that the project would include the use of a harbor craft, locomotives, or ocean-going vessels.
SCAQMD CEQA Web Pages (Off-Road Engines)	Mitigation measures that would apply to off-road engines have been reviewed. Notwithstanding, implementation of these measures would not avoid or substantially lessen mobile source NO <sub>x</sub> emissions attributable to the project. Additionally, pursuant to SP-AQ-6, as a requirement of the specific plan, the project shall require on-site forklifts to be non-diesel powered.
SCAQMD CEQA Web Pages (On-Road Engines)	Pursuant to SP-AQ-3, as revised, the project will require contractors and building operators to utilize on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds to have

Mitigation Measure	Applicability
<i>CAPCOA's Quantifying Greenhouse Gas Mitigation Measures</i>	<p>a 2010 model year engine or newer or be equipped with a particulate matter trap, as available.</p> <p>All feasible and applicable mitigation measures listed in the Energy, Water, and Transportation sections (as shown in Chart 6-1 and Chart 6-2 of the CAPCOA document) have been applied to the analysis. However, these measures are aimed at reducing GHG emissions and implementation of these measures would not avoid or substantially lessen mobile source NO<sub>x</sub> emissions attributable to the project.</p>
SCAQMD Rule 403	As identified in BACM AQ-1 the project would need to comply with applicable SCAQMD Rules including, but not limited to Rule 403.
SCAQMD's Guidance Document for addressing Air Quality Issues in General Plans and Local Planning	These measures are not applicable to the proposed project because the measures listed are aimed towards local governments as a guidance to reduce community exposure to source-specific air pollution impacts.
Providing a minimum buffer zone of 300 meters between truck traffic and sensitive receptors.	<p>We appreciate the concern with respect to the project's potential impacts on the surrounding community. The SCAQMD's recommended buffer of 300 meters (1,000 feet) is likely based on the CARB Land Use Handbook (April 2005) ("handbook") which recommends a buffer distance of at least 1,000 feet between land uses that will have 100 or more trucks per day. However, CARB's guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in." The handbook further goes on to state that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists."</p> <p>Therefore, the HRA is actually consistent with the CARB Handbook. The HRA includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the project site and the truck travel routes that are expected to be utilized.</p> <p>As shown in the HRA, the project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the project vicinity.</p>
Limiting the daily number of trucks allowed at the project site to levels analyzed in this AQ Impact Analysis	<p>This is not a requirement under CEQA, which requires a project to evaluate reasonable and foreseeable impacts. The number of daily truck trips has been reasonably estimated based on data from the Institute of Transportation Engineers (ITE) as discussed in the HRA and AQIA. It should be noted that imposing a cap on daily trucks at the facility will not "avoid or substantially" lessen the estimated emissions. Therefore, this would not mitigate estimated emissions. Moreover, limiting daily truck visits could result in the unintended adverse effect of trucks idling and queuing outside of the facility until midnight of the following day if the facility's limit is reached on a given day. This would result in increased emissions, and potentially added traffic congestion around the facility.</p>
Limiting the truck trip miles allowed to levels analyzed in the AQ Impact Analysis	The truck trip length has been estimated based on factors discussed in the AQIA, the estimated truck trip length likely results in a significant overestimation of the truck vehicle miles resulting from the project, because it assumes that all truck trips to and from the project are new,

Mitigation Measure	Applicability
<p>Locate all check-in points for trucks well inside the facility to minimize queuing of trucks outside the facility.</p>	<p>rather than redistributed truck trips. Since the truck trip lengths are based on reasonable information (the regional transportation traffic model – specifically the truck component of the model), as presented in the AQIA. Providing some greater unsubstantiated trip length that extends beyond the air basin would be speculative at best since destinations outside the air basin would mean that trucks travel longer than available evidence supports.</p> <p>As stated in the AQIA, a technical deficiency inherent in calculating mobile source emissions associated with any project is related to the estimation of trip length and vehicle miles traveled (VMT). VMT for a given project is calculated by the total number of vehicle trips to and from the project site multiplied by the average trip length. This method of estimating VMT for use in calculating vehicle emissions likely results in the overestimation and double-counting of emissions because, for a distribution warehouse center such as the project, the land use is likely to attract (divert) existing vehicle trips that are already on the circulation system as opposed to generating new trips. In this regard, the project would, to a large extent, redistribute existing mobile-source GHG emissions rather than generate new and additional mobile source emissions. As such, the estimation of the project’s vehicular-source emissions is likely overstated in that no credit for, or reduction in, emissions is assumed based on diversion of existing trips.</p> <p>Furthermore, as noted in the AQIA, the SCAQMD generally recommends the use of a 40-mile one-way trip length for such land use projects. Similarly, the Southern California Association of Governments (SCAG) maintains a regional transportation model. In its most recent (2008) transportation validation for the 2003 Regional Model, SCAG indicates that the average internal truck trip length for the SCAG region is 5.92 miles for Light Duty Trucks, 13.06 miles for Medium Duty Trucks, and 24.11 for Heavy Duty Trucks.</p> <p>As such, there is not CEQA requirement to limit the truck trip lengths to those analyzed in the AQIA nor would this type of measure even be feasible to implement and monitor.</p> <p>The project will limit idling pursuant to the Specific Plan, it is not expected that any substantive idling would occur off site.</p>

**Response to Comment SBC-35**

The City of Fontana concurs that any work within County right-of-way will require a permit from the County Department of Public Works. The impacts of all known improvements that will occur within County right-of-way have been addressed in the EIR for the WVLCSP.

**Response to Comment SBC-36**

The San Bernardino County Public Works Department will be included in the mailing list for all notices, public reviews, and public hearings for the West Valley Logistics Center.



385 N. Arrowhead Avenue, First Floor, San Bernardino, CA 92415 | Phone: 909.387.8311 Fax: 909.387.3223

[www.SBCounty.gov](http://www.SBCounty.gov)



**Land Use Services Department**  
**Planning**

Tom Hudson  
Director

Comment Letter SBC LU

March 26, 2018

*Transmitted Via Email*

City of Fontana  
Orlando Hernandez, Senior Planner  
8353 Sierra Avenue  
Fontana, CA. 92335  
ohernandez@fontana.org

**RE: NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WEST VALLEY LOGISTICS CENTER**

Mr. Hernandez:

Thank you for briefly extending the comment period for the subject Draft Environmental Impact Report (DEIR). The San Bernardino County Department of Public Works (DPW) is submitting detailed technical comments on the traffic and drainage analysis, as well as land use, air quality and aesthetics. This letter will summarize and augment the DPW comments with an emphasis on quality of life in the unincorporated community of Bloomington.

Truck Traffic and Routing: County staff has reviewed the traffic analysis and is very concerned about impacts of the project on the streets in the community of Bloomington. We believe that the plan for truck routing and the assumptions about trip distribution must be revised before the traffic analysis can be finalized. Key issues of concern are:

SBC-LU-1 | • The truck trip distribution assumptions appear to understate the percentage and therefore the number of truck trips bound to the Cedar Avenue/I-10 interchange.

SBC-LU-2 | • The County does not accept the proposed truck route on Locust Avenue, especially north of Santa Ana Avenue. This route goes through a residential neighborhood, and would divide an existing community, which is a threshold of significance for land use impacts not addressed in the DEIR.

SBC-LU-3 | • Consideration should be given to construction of a new route for west-bound truck trips outbound from the project to have more direct access the Sierra Avenue/I-10 interchange.

Long Term Impacts:

SBC-LU-4 | • Mitigations measures proposed to address traffic impacts only respond to opening day capacity impacts. The on-going costs of maintenance of truck routes must be addressed, as well as noise walls and landscaping adjacent to existing neighborhoods.

**BOARD OF SUPERVISORS**

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Chief Executive Officer

WEST VALLEY LOGISTICS CENTER  
March 26, 2018  
PAGE 2 of 2

Community Engagement and Land Use Planning:

- SBC-LU-5 | • The project conflicts with the proposed Bloomington Community Plan, which anticipates additional housing growth in South Bloomington, the area that would be bisected by the proposed Locust Avenue truck route.
- SBC-LU-6 | • For the proposed specific plan to be compatible with the Bloomington Community Plan, significant adjustments to the land use and traffic patterns may be required for one or both plans.

In addition to preparing a response to the County comment letters to comply with CEQA, we recommend that the developer meet with City and County staff to discuss coordination of land use planning and circulation system improvements needed to reconcile the West Valley Logistics Center Specific Plan with the Bloomington Community Plan.

Sincerely,



Terri Rahhal, AICP, Planning Director

cc Kevin Blakeslee, Director of Department of Public Works  
Dena Fuentes, Deputy Executive Officer, Community Development and Housing Agency

## **2.3.15 San Bernardino County Land Use Services Department**

### **Response to Comment SBC-LU-1**

No evidence other than a conclusory statement is presented to substantiate why truck traffic may be incorrectly routed. Several meetings were held between the applicant and County of San Bernardino, including meetings between the applicant, County staff, and City staff prior to the commencement of the TIA in order to obtain the County's feedback on the project trip distribution patterns throughout the study area. The resulting trip distributions utilized in the TIA are reflective of the comments and concerns expressed by the County at that time.

The original Draft EIR (April 2014) and 1<sup>st</sup> RDEIR (December 2014) both assumed that all truck traffic to and from the I-10 freeway would travel would utilize the I-10/Cedar Avenue interchange. Following a series of meetings between the applicant and the San Bernardino Public Works Department, as well as a meeting between the applicant, the San Bernardino Public Works Department, and City of Fontana, the applicant modified its projects at the request of the County of San Bernardino to route truck to the I-10 interchange at Sierra Avenue within the City of Fontana. Impacts associated with routing all truck traffic bound to and from the I-10 freeway is presented in the 2<sup>nd</sup> RDEIR as Alternative 6 (Proposed Project with a Prohibition on Trucks using Sierra Avenue). See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

### **Response to Comment SBC-LU-2**

The issue of dividing a community is addressed in the 2<sup>nd</sup> RDEIR starting on page 4.2.10-14, with the conclusion that a less than significant impact would result. No evidence is provided in this Comment as to why the EIR should have reached a different conclusion. The proposed project would provide improvements along Locust Avenue to provide four travel lanes consistent with the roadway's designation by both the County and City as a Secondary roadway with four travel lanes. While the proposed project would add traffic to Locust Avenue, cumulative traffic along the roadway would be consistent with the carrying capacity of a four-lane secondary roadway and all intersections between the project site and Slover Avenue would be improved to operate at an acceptable LOS by the project. Thus, the proposed project would not divide an existing community.

### **Response to Comment SBC-LU-3**

See Response to Comment SBC-2(b).

### **Response to Comment SBC-LU-4**

The comment mischaracterizes the analysis and mitigation measures set forth in the EIR. The TIA undertaken for the EIR evaluates both near-term Opening Year Existing + Project traffic conditions and long-range Cumulative (2040) traffic conditions. The mitigation measures set forth in the EIR are based on the long-range improvement needs for the deficient intersections.

The project proposes to provide full improvements along Locust Avenue/Armstrong Road through the project site, including landscaping along both sides of the street. In addition, the project will provide full half-width improvements along the eastbound lanes of Jurupa Avenue from Locust Avenue to Kessler Park, including landscaping within the roadway right-of-way. The project will also

replace the existing fencing along the east side of Locust Avenue/Armstrong Road through the project site with a decorative block wall and will also provide screen/sound walls within the project site as illustrated in EIR Figure 3-3.

Included with proposed improvements to be provided by the project along Locust Avenue between Jurupa Avenue and Slover Avenue is constructing a pavement section adequate to accommodate projected truck traffic. EIR Mitigation Measure NOI-1 requires the use of rubberized asphalt for all new pavement installed by the proposed project. By incorporating rubberized asphalt overlays into off-site roadway improvements, off-site traffic noise level increases from automobile traffic can be reduced by roughly 4 dBA.

Consideration was, in fact, given to requiring construction of noise walls. However, existing residential uses along Locust Avenue and Jurupa Avenue currently take access along the roadway. As a result, numerous breaks in a potential sound wall would be required, reducing its effectiveness to reduce traffic noise levels. In addition, construction of a 6- to 8-foot-high solid masonry wall along the front setback line of properties along Locust Avenue and Jurupa Avenue would not be permitted by applicable zoning regulations.

### **Response to Comment SBC-LU-5**

See Response to Comment SBC-LU-2 for discussion of the project's impacts in relation to dividing an existing community.

### **Response to Comment SBC-LU-6**

This comment expresses a planning opinion regarding "compatibility" between a project within the City of Fontana and the County's plans for development within adjacent unincorporated territory. See Response to Comment SBC-29 for a discussion of land use compatibility and Response to Comment SBC-LU-2 for discussion of the project's impacts in relation to dividing an existing community.

Comment Letter TKR

PAGE 1

3/26/18

ATTN: ORLANDO HERNANDEZ  
 PLANNING MANAGER  
 CITY OF FONTANA

RECEIVED  
 MAR 28 2018  
 PLANNING DEPT.

RE DEIR # 2012071058  
 WEST VALLEY LOGISTIC SPECIFIC PLAN

COMMENTS RE: ENVIRONMENTAL ISSUES & CONCERNS

- TKR-1 | 1. SMOG FORMING NITROGEN OXIDES
- TKR-2 | 2. SOOT TOXIC COMPONENT OF FINE PARTICLES
- TKR-3 | 3. CAL ENVIRO SCREEN WHICH SHOWS BLOOMINGTON FONTANA AREA WHERE THIS PROJECT IS LOCATED IS NEAR THE POLLUTION BURDEN OF BETWEEN 90 TO 100 PERCENTILE
- TKR-4 | 4. LOUD AND CONSTANT NOISE POLLUTION
- TKR-5 | 5. HEAVY INDUSTRIAL LISTING AT NIGHT
- TKR-6 | 6. INDUSTRIAL BLIGHT IN RESIDENTIAL AREA
- TKR-7 | 7. TOO CLOSE PROXIMITY TO NEIGHBORHOODS HOMES, SCHOOLS & LITTLE LEAGUE PARK
- TKR-8 | 8. TRAFFIC CONGESTION WILL BE EXTREMELY HEAVY
- TKR-9 | 9. ENVIRONMENTAL INJUSTICE IN OUR COMMUNITY OF COLOR
- TKR-10 | 10. DIESEL PARTICULANT MATTER
- TKR-11 | 11. CREATING WORSENING POLLUTION
- TKR-12 | 12. DIESEL TRUCKS IDLING MORE THAN 5 MINUTES
- TKR-13 | 13. ALL THEIR TOXIC EXHAUST NEXT TO HOMES IN JUEPA VALLEY AND HOMES IN BLOOMINGTON.

PAGE 2

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MAR 26 2019

DEAR COMMENTS CONT.

# 2012071058

PLANNING DEPT.

- TKR-14 | 14. NEGATIVE IMPACTS OUT WEIGH THE BENEFITS
- TKR-15 | 15. NEGATIVE IMPACTS ON HEALTH & CHILDREN & ELDERLY
- TKR-16 | 16. ASTHMA
- TKR-17 | 17. CHRONIC ILLNESSES
- TKR-18 | 18. DECREASING LUNG FUNCTION
- TKR-19 | 19. RESPIRATORY DISEASES
- TKR-20 | 20. HEART FAILURE
- TKR-21 | 21. BRAIN TUMORS FROM DIESEL TRUCK EXHAUST,
- TKR-22 | 22. HEAVY DIESEL TRAFFIC CLOSE TO HOME AND SCHOOLS
- TKR-23 | 23. NO DEDICATED TRUCK ROUTES EXCEPT TARD NEIGHBORHOOD STREET
- TKR-24 | 24. THIS PROJECT IS NOT COMPATIBLE WITH EXISTING AREA
- TKR-25 | 25. QUALITY OF LIFE WILL SUFFER FOR ALL NEIGHBORHOOD RESIDENTS
- TKR-26 | 26. DIESEL EMISSIONS, AND OTHER TRUCK AIR POLLUTION - WILL CAUSE CANCER AND LOW BIRTH RATES.
- TKR-27 | 27. NO AMOUNT OF TRUCK TRAFFIC OR TRUCK DAYS ARE REPORTED OR STATED
- TKR-28 | 28. GREEN HOUSE GAS EFFECT

Thomas & Kim Rocha  
 17944 OTILLA ST  
 Bloomington CA 92316  
 951-836-8354

"CONCERNED  
 Neighbors of  
 Bloomington"

## 2.3.16 Thomas & Kim Rocha

### Response to Comment TKR-1

This comment identifies “smog forming nitrogen dioxides” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the air quality analysis set forth in Section 4.2.2 of the 2<sup>nd</sup> RDEIR, which includes a detailed discussion of air pollutants and potential impacts associated with exposure to air pollution. The 2<sup>nd</sup> RDEIR identifies air quality impacts resulting from emissions of NO<sub>x</sub> as significant and unavoidable (see discussion of Impact AQ-2 in the 2<sup>nd</sup> RDEIR).

### Response to Comment TKR-2

This comment identifies “soot – toxic component of fine particulates” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the air quality analysis set forth in Section 4.2.2 of the 2<sup>nd</sup> RDEIR, which includes a detailed discussion of air pollutants and potential impacts associated with exposure to air pollution. The 2<sup>nd</sup> RDEIR includes a detailed HRA, which evaluates potential impacts from DPM (Appendix G of the 2<sup>nd</sup> RDEIR). Impacts were determined to be less than significant.

### Response to Comment TKR-3

This comment states “project is located near a pollution burden of 90-100 percentile” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the air quality analysis set forth in Section 4.2.2 of the 2<sup>nd</sup> RDEIR, which includes a detailed discussion of air pollutants and potential impacts associated with exposure to air pollution. The 2<sup>nd</sup> RDEIR includes a detailed HRA, which evaluates potential impacts from DPM (Appendix G of the 2<sup>nd</sup> RDEIR). Impacts were determined to be less than significant.

### Response to Comment TKR-4

This comment states “loud and constant noise pollution” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the noise analysis set forth in Section 4.2.11 of the 2<sup>nd</sup> RDEIR, which represents a worst-case conditions that assumes project operational noise sources would be operating simultaneously and constantly under peak conditions. Typical operational activities will, however, include periods of inactivity. Operational (stationary-source) noise levels generated by the project’s proposed activities are shown to be less than significant. However, off-site traffic noise level increases are shown to result in significant and unavoidable impacts due to project truck traffic on 11 of the 38 roadway segments analyzed in the Noise Study, and therefore, mitigation is identified to reduce these impacts at noise-sensitive land uses.

### Response to Comment TKR-5

This comment identifies “heavy industrial lighting at night” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the night lighting set forth in Section 4.2.1 of the 2<sup>nd</sup> RDEIR, which includes a detailed discussion of night lighting impacts. As stated on page 4.2.1-21, “project design considerations include stringent measures—such as not over-illuminating the site, shielding light sources, avoiding exposed high-intensity lighting, avoiding highly reflective glass doors, and using neutral building colors that reduce reflectivity. The 2<sup>nd</sup>

RDEIR therefore concluded that lighting impacts would be less than significant. This comment also mischaracterizes the proposed as “heavy industrial,” when a logistics warehouse center is proposed.

### **Response to Comment TKR-6**

This comment identifies “industrial blight in residential area” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

Neither does the commenter provide any evidence that “blight” would result from the proposed project. It is a commenter’s obligation to provide substantial evidence presented by a qualified expert as to why a project would supposedly cause urban decay (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 690-692 (“*Joshua Tree*”); see also Pub. Res. Code section 21082.2). Here, the commenter has not provided any evidence to suggest that the subject project will allegedly cause blight. Rather, the commenter provides one speculative, conclusory statement. However, “Complaints, fears, and suspicions about a project’s potential environmental impact likewise do not constitute substantial evidence” (*Joshua Tree* at 690). This comment does not sufficiently raise any substantive issue for consideration by the lead agency, nor does it constitute substantial evidence that would require the City of Fontana to analyze “blight.”

### **Response to Comment TKR-7**

This comment identifies “too close proximity to neighborhoods, homes, schools, and little league park” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. The EIR addresses air quality and health risks in relation to adjacent residential uses in Section 4.2.2, hazards and hazardous materials in Section 4.2.8, land use and planning in Section 4.2.10, noise in Section 4.2.11, and traffic in Section 4.2.15.

### **Response to Comment TKR-8**

This comment identifies “traffic congestion will be extremely heavy” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. Traffic issues are analyzed in Section 4.2.15 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-9**

This comment identifies “environmental injustice in our community of color” as an environmental concern, but provides no indication of any specific concerns with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. As stated in Response to Comments EEJG-5, the City of Fontana will embark on a General Plan Update Process in accordance with Senate Bill 1000, which requires cities and counties to include environmental justice policies in general plan updates, starting in 2018. Once the City completes this process and approves a General Plan, the environmental justice goals and policies will be applicable to future projects. However, there are not yet existing environmental justice goals and policies that would apply to this project.



### **Response to Comment TKR-10**

This comment identifies DPM as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. Impacts related to DPM are discussed in Section 4.2.2 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-11**

This comment identifies “creating worsening air pollution” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. Impacts related to air quality are discussed in Section 4.2.2 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-12**

This comment identifies “diesel trucks idling more than 5 minutes” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. Title 13 of the California Code of Regulations, Section 2485 limits idle times to not more than 5 minutes. All buildings would post signs requiring that trucks shall not be left idling for more than 5 minutes pursuant to that regulation. Nighttime (after 10:00 p.m.) truck idling would not be permitted.

### **Response to Comment TKR-13**

This comment identifies “toxic exhaust next to home in Jurupa Valley and Bloomington” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. The EIR concluded that the project would have a less than health risk significant impact. As discussed in Response to Comment CARB-3, the project’s HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition) as well as the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures. That analysis confirmed that the findings of the 2<sup>nd</sup> RDEIR project’s health risk impacts would be less than significant both within and adjacent to the project site, as well as along the project’s truck routes.

### **Response to Comment TKR-14**

This comment identifies “negative impacts outweigh the benefits” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-15**

This comment identifies “negative impacts on health of children and elderly” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. The EIR concluded that the project would have a less than health risk significant impact. As discussed in Response to Comment CARB-3, the project’s HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition) as well as the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures. That analysis confirmed that the

findings of the 2<sup>nd</sup> RDEIR project's health risk impacts would be less than significant both within and adjacent to the project site, as well as along the project's truck routes.

### **Response to Comment TKR-16**

This comment identifies "asthma" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-17**

This comment identifies "chronic illness" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-18**

This comment identifies "decreasing lung function" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-19**

This comment identifies "respiratory diseases" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-20**

This comment identifies "heart failure" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-21**

This comment identifies "brain tumors from diesel truck exhaust" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. The EIR concluded that the project would have a less than significant health risk impact.

### **Response to Comment TKR-22**

This comment identifies "heavy diesel traffic close to home and schools" as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-23**

This comment is incorrect in its assertion that the project would put all of its truck traffic onto "neighborhood streets." As shown on EIR Figure 3-4 project-related truck traffic would be routed

onto Locust Avenue, Slover Avenue, Sierra Avenue, Jurupa Avenue, Cedar Avenue, Rubidoux Boulevard, and Market Street, none of which are classified as “neighborhood streets.”

The following measures have been proposed to implement and ensure enforcement of the project’s truck routing plan:

- Configuring project driveways and intersections to direct traffic in the appropriate direction (see Response to Comment CJV-33 and Final EIR Figure 2-1);
- Signage directing trucks from and to the Specific Plan along the project’s proposed truck routes to the I-10 and SR 60 freeways;
- Requiring building owners/lessees to inform truck drivers of the approved routes to and from the West Valley Logistics Center;
- Requiring dispatchers to provide truck drivers leaving the building with verbal and written instructions regarding approved truck routes to area freeways;
- Implementing and maintaining a monitoring program to identify the actual routes trucks are taking to and from the West Valley Logistics Center;
- Using commercially reasonable means to enforce the use of approved truck routes;
- Providing annual reporting to the City of Fontana regarding the actual routes trucks are taking to and from the West Valley Logistics Center; and
- Establishing the City of Fontana as a third-party beneficiary of the Property Owners’ Association Traffic Guidelines and providing the City with the right to take over administration of the Traffic Guidelines if the Transportation Management Committee fails to discharge its obligations.

### **Response to Comment TKR-24**

This comment states “this project is not compatible with existing area,” but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-25**

This comment states “quality of life will suffer for all neighborhood residents,” but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR.

### **Response to Comment TKR-26**

This comment states “this project will cause cancer and cause low birth rates” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. Health risks related to diesel emissions are addressed in Section 4.2.2 of the 2<sup>nd</sup> RDEIR, which concluded that health risks will be less than significant. As discussed in Response to Comment CARB-3, the project’s HRA has been recalculated based on the updated project trip generation rates (*ITE Trip Generation Manual* 10<sup>th</sup> edition) as well as the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures. That analysis confirmed that the findings of the 2<sup>nd</sup> RDEIR project’s

health risk impacts would be less than significant both within and adjacent to the project site, as well as along the project's truck routes.

### **Response to Comment TKR-27**

This comment states “no amount of truck traffic or truck bays are reported or stated.” Table 4.2.15-11, Project Trip Generation, identifies anticipated daily and peak hour truck trips that would be generated by the proposed project, including a breakdown of truck trip generation by number of axles. The number of truck bays does not affect any of the analysis or conclusions of the project's traffic, air quality, or GHG analyses. For informational purposes, the conceptual site plans for the seven buildings within the West Valley Logistics Center show a total of approximately 560 dock-high truck doors proposed for the project site. There will also likely be larger at-grade drive-through doors in each building.

### **Response to Comment TKR-28**

This comment identifies “greenhouse gas effect” as an environmental concern, but provides no indication whether the commenter agrees or disagrees with the environmental analyses and conclusions set forth in the 2<sup>nd</sup> RDEIR. Section 4.2.7, *Greenhouse Gas Emissions*, of the 2<sup>nd</sup> RDEIR includes a robust discussion on GHG emissions and the greenhouse effect, which indicates that a significant unavoidable impact would result.



March 26, 2018

*Via Electronic Mail and FedEx (w/exhibits and references)*

Orlando Hernandez  
 Planning Manager  
 City of Fontana  
 8353 Sierra Avenue  
 Fontana, California 92335  
[ohernandez@fontana.org](mailto:ohernandez@fontana.org)

**Re: West Valley Logistics Center Second Recirculated Draft Environmental Impact Report**

Dear Mr. Hernandez:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”), the San Geronio Chapter of the Sierra Club, the Center for Community Action and Environmental Justice--CCA EJ (collectively, the, undersigned organizations and or “Environmental and Environmental Justice Groups”) regarding the Second Recirculated Draft Environmental Impact Report (“RDEIR”) for the West Valley World Logistics Center Specific Plan.

EEJG-1

**This Project should be rejected because installing an industrial logistics facility next to a residential neighborhood is the antithesis of responsible planning.** The public health impacts of siting industrial facilities with their associated truck traffic next to where children live are well-documented. City Council approval of this Project would needlessly and recklessly endanger the health of existing community members. The Project is also clearly inconsistent with the current residential and recreational zoning for the neighborhood. **If the City Council of Fontana is serious about promoting healthy communities and the quality of life of their residents, then they will vote down this dangerous and ill-conceived Project.**

**I. Background on the Environmental and Environmental Justice Groups.**

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has 1.4 million members and supporters throughout California and the United States.

The Center has worked for many years to protect imperiled plants and wildlife, wildlife connectivity, open space, air and water quality, and overall quality of life for people in San Bernardino County.

The Sierra Club is a national nonprofit organization of over 732,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Over 193,500 Sierra Club members reside in California. The San Gorgonio Chapter of the Sierra Club focuses on issues within the inland empire, including San Bernardino County.

Established in 1978, The Center for Community Action and Environmental Justice (CCA EJ) is one of the oldest and most successful environmental justice organizations in the nation, and continues to operate a comprehensive suite of community engagement programs focused on reducing residents’ exposure to local pollution sources and bringing resources and amenities to low income communities of color. CCA EJ serves the Environmental Justice Communities of San Bernardino and Riverside counties in Southern California’s Inland Valley Region.

**II. The Project is Completely Inconsistent with the General Plan and Surrounding Land Uses.**

**A. The RDEIR is wholly inconsistent with the General Plan and Surrounding Land Uses**

Every land use decision made by the City must be consistent with the land use policies in the City’s General Plan as well as other applicable plans and policies, including the San Bernardino County General Plan. (See *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562-163.) A project is consistent with the General Plan “if it will further the plan’s objectives and policies and not obstruct their attainment.” (*Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 311.) Moreover, under CEQA, a project’s inconsistency with an applicable land use plan is a “significant effect” and therefore requires consideration of all alternatives or mitigation measures to reduce such impacts. (See *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695 (an effect may be significant under CEQA if the project is inconsistent with applicable land use policies designed to mitigate environmental effects); see also 1 Kostka & Zischke, Practice Under the Cal. Env. Quality Act (2d ed. 2015) § 6.56, p. 6-60.1.)

EEJG-2

Here, the Project is grossly inconsistent with the General Plan. The Project area is zoned for residential and recreational uses. (RDEIR at 4.2.10-10.) It is not zoned for commercial or industrial uses. The residents of the neighborhood purchased or rented homes with the reasonable expectation that the City would abide by its own General Plan. Instead, it appears the City may roll out the welcome mat to a logistics facility with the attendant diesel-spewing truck traffic right next to where children live, play, and breathe. It is outrageous that the City is even considering allowing an industrial facility next to a residential neighborhood. As detailed below, the dangers of siting such industrial activities and truck traffic next to children are well-

documented. If the City approves this Project, it would be prioritizing the expansion of its tax base over the health of its residents.

EEJG-3 [ The Project also is inconsistent with various General Plan policies. Land Use Element Policy 1 requires the City to preserve quality of life in existing neighborhoods when considering new development. (RDEIR at 4.2.10-17.) This Project would fundamentally transform a residential neighborhood into a trucking route with all of the attendant traffic, diesel air pollution, and noise. The Project is also inconsistent with Open Space and Conservation

EEJG-4 [ Element Policy 1, which requires the City to preserve natural open space in the Jurupa Hills. (RDEIR at 4.2.10-25.) The Project will destroy hundreds of acres of open space in these hills without sufficient mitigation to offset these effects.

**B. The RDEIR fails to include an analysis of Environmental Justice Communities**

EEJG-5 [ The passage of Senate Bill 1000 (Leyva, 2016), Planning for Healthy Communities Act, was designed to improve local planning efforts to reduce negative disproportionate environmental, public health and public safety impacts on California’s most vulnerable residents by ensuring that local governments include Environmental Justice Elements and/or policies in General Plans when they are updated. Currently, the City of Fontana will embark on a General Plan Update Process and an adequate analysis of the West Valley Logistics Center should be consistent with current law. We are disappointed to note the failure to include the mention of Environmental Justice Communities. We recommend a specific analysis on impacts and mitigation measures for all EJ communities to meet minimum standards of analysis in the DEIR.

EEJG-6 [ Even more so, residents living in EJ communities should be targeted in and adequately notified to ensure participation in the entire outreach process for the RDEIR. The Center for Community Action and Environmental Justice (CCA EJ) has communicated with residents of the project area and have noted that these residents were not adequately notified of the RDEIR process.

**III. The RDEIR Fails To Adequately Analyze And Mitigate The Air Quality Impacts Of The Project.**

**A. The RDEIR fails to accurately disclose the air quality and health risks of the Project.**

Air quality is a significant environmental and public health concern as unhealthy, polluted air contributes to, and exacerbates, many diseases and mortality rates. In the U.S., government estimates indicate that between 10-12 percent of total health costs can be attributed to air pollution. (VCAPCD 2003) Many plants and trees, including agricultural crops, are injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests to direct mortality. (VCAPCD 2003) Wildlife is also impacted by air pollution as the plants and trees that comprise their habitats are weakened or killed. Aquatic species and habitats are impacted by air pollution through the formation of acid rain that raises the pH level in oceans, rivers and lakes. (EPA 2016) Greenhouse gases, such as the air pollutant carbon dioxide which is released by fossil fuel combustion, contribute directly to human-induced climate change. (EPA 2016) In this feedback loop, poor air quality that contributed to climate

change will in turn worsen the impacts of climate change and attendant air pollution problems. (BAAQMD 2016)

Some of the nation's most polluted counties are in Southern California with San Bernardino County continually topping the list. (ALA 2016) Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as these areas are more affordable. (BAAQMD 2016; ALA 2016) Pollution sources include transportation, industry and manufacturing, construction, the importation and movement of goods, and energy development. Transportation presents one of the most significant sources of pollution in urban areas, where large segments of the population are constantly exposed to roads and traffic. (BAAQMD 2016; Newman)

Although there are many different types of air pollution, Ozone, Fine Particulate Matter and Toxic Air Contaminants are of greatest concern in urban areas, particularly Southern California. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2016) Ozone, also commonly referred to as smog, is created by the atmospheric mixing of gases resulting from fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2016) Fine Particulate Matter is generally found in urban areas as a result of vehicle exhaust emissions, and these microscopic particles are what contribute to visible air pollution. These tiny particulates are dangerous because they are small enough to escape our body's natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAQR 2003) Fine Particulate Matter can also result from ash caused by forest fires, which will continue to impact living in the urban-wildland interface and increasingly beyond as climate change exacerbates the risk of forest fires. (BAAQMD 2016) Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. (BAAQMD 2016) This is especially relevant for Southern California with its abundance of diesel shipping traffic. (Bailey; Betancourt 2012)

EEJG-7 [ The Project would affect several areas that are in violation of the Clean Air Act's National Ambient Air Quality Standards ("NAAQS"). The South Coast Air Basin is in extreme nonattainment for the 2008 8-hour ozone standard, moderate nonattainment for the 2012 PM 2.5 standard, serious nonattainment for the 2006 PM 2.5 standard, and moderate nonattainment for the 1997 PM 2.5 standard.<sup>1</sup> State and local air agencies determined that attainment required massive emission reductions from all pollution sources, even in the absence of any growth in emissions associated with new projects, if these areas are to attain the standards. The EIR fails to adequately address the project's significant increase in emissions in the South Coast Air Basin

<sup>1</sup> U.S. EPA, Nonattainment Areas for Criteria Pollutants (Green Book), available at <https://www.epa.gov/green-book>



EEJG-7 cont. | and adequately analyze to what extent the ambitious reductions required under the State Implementation Plans will be hindered by the project.

EEJG-8 | The EIR must assure that the Project would not conflict with SCAQMD air quality management plans (“AQMP”), the Southern California Association of Governments (“SCAG”) 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”), and the SCAG 2016–2040 RTP/SCS. The EIR must provide substantial evidence that the cumulative development in the South Coast Air Basin will not exceed the projections underlying those plans.  
 EEJG-9 | Conclusory statements that the projects do not conflict with those standards does not provide the public or decisionmakers with the information necessary to make an informed decision on the environmental impacts, mitigation measures, or alternatives related to the Project.

EEJG-10 | The EIR must adequately analyze the potential health risks from the Project’s air pollution. The Guidelines require EIRs to discuss health problems caused by proposed projects. (Guidelines § 15126.2.) The EIR must assure that this is a robust health assessment for all criteria pollutants, Mobile Source Air Toxics, such as acrolein, benzene, 1,3-butadiene, diesel particulate matter, formaldehyde, naphthalene, and polycyclic organic matter, and Toxic Air Contaminants. Simply providing emissions levels or general descriptions of health impacts provides no context to decisionmakers or the public of the Project’s actual effects on public health. In *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, the court held the agency failed to proceed in a manner required by law because the EIR did not include information on the air pollution impacts of the project on specific areas near the project vicinity, including how frequently and for what length of time the level of particulate air pollution in the surrounding area would exceed standards of significance. (*Id.* at 487-88.) Here, the RDEIR does not provide information on how pollutants would disperse and impact neighboring jurisdictions or specific areas in the project vicinity.  
 EEJG-11 |

EEJG-12 | Similarly, an EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 653.) Numbers or general descriptions without translation for the public or application to the project do not meaningfully inform the public. The EIR must analyze the potential for project construction at later phases to affect existing residents in the area. A sensitive receptor baseline that does not account for the residents in the area overlooks the whole of the project and employs a flawed baseline to minimize impacts to public health and the affected environment.

EEJG-13 | One of the most serious problems with the Project is that as a logistics facility it is fundamentally inconsistent with the surrounding land uses. As the RDEIR concedes, there are numerous sensitive uses in extremely close proximity to the project site, including residences, elementary schools, churches, and convalescent hospitals. (RDEIR at 4.2.2-8.) The huge numbers of truck trips generated by the Project will put trucks in close proximity to children and other populations sensitive to diesel particulate matter (“DPM”) pollution. DPM is especially dangerous for children, often leading to decreased lung function.<sup>2</sup> There is an extensive body of scientific literature demonstrating the health risks of siting high traffic areas next to residential

<sup>2</sup> <https://www.arb.ca.gov/research/diesel/diesel-health.htm>

- EEJG-13 cont. [ areas or other sensitive uses.<sup>3</sup> For instance, in California alone, DPM—which is often generated by trucks—contributes to an estimated 3,500 premature deaths each year as well as thousands of hospital admissions, asthma attacks, and other respiratory symptoms.<sup>4</sup>
- EEJG-14 [ Here, the Project’s introduction of significant amounts of truck traffic to a residential neighborhood will drastically increase the amount of air pollution, DPM, and GHG emissions in the area. The RDEIR estimates that there will be 2,432 truck trips per day. (RDEIR at 4.2.2-18.) The RDEIR does not provide any discussion of how this figure was calculated. The RDEIR needs to explain in detail how this figure was calculated and also analyze the possibility that additional truck trips will occur. Such analysis is particularly necessary given that—as noted below—the RDEIR expressly contains no cap on the number of trucks entering or exiting the facility.
- EEJG-15 [ The RDEIR states that of these 2,432 truck trips, only 60.3 percent will be 4+ axle trucks, 17.7 percent will be three axle trucks, and 22 percent will be 2 axle trucks. Larger trucks are likely to have significantly larger amounts of emissions of DPM, GHGs, and other pollutants. Although the RDEIR’s Air Quality Impact Analysis claims these percentages were obtained from the traffic analysis (RDEIR, Appx. F at 43-44), no such percentages appear to occur in the traffic analysis. These figures appear to originate in footnote 31 of the Air Quality Impact Analysis, which references a “High Cube Warehouse Trip Rate Study for Air Quality Analysis.” In reviewing the trip counts data,<sup>5</sup> there is a broad range of percentages and some facilities have more than 60.3 percent trips by 4+ axle trucks. In addition, it is unclear whether some of the listed facilities are retail locations or logistics facilities, given some of the facilities have the names of retail stores like Home Depot and Ralphs. In short, the RDEIR does not provide substantial evidence that the truck mix at *this* Project will be the same as this reported average. This is problematic because if there is a higher level of larger (e.g., 4+ axle trucks), then the DPM emissions, health risks, air pollution, and GHG emissions of the Project will be significantly higher. The RDEIR can address this issue by putting enforceable caps on the number of each type of trucks that may arrive at the facility per day.
- EEJG-16 [ In addition, the RDEIR does not provide substantial evidence supporting its use of a 1000-foot evaluation distance for the HRA. (RDEIR at 4.2.2-20.) The emissions generated by the Project will not necessarily be centralized at the facility as thousands of trucks will be driving through adjacent neighborhoods into the facility, often from more than 1000 feet away.
- B. The RDEIR fails to require all feasible mitigation measures to limit the Project’s air quality impacts.**
- EEJG-17 [ The RDEIR fails to disclose and analyze many feasible mitigation measures that would reduce the significant impacts of the project. CEQA requires that an EIR propose “feasible” mitigation measures “to minimize significant effects on the environment, including, but not

<sup>3</sup> <http://envhealthcenters.usc.edu/infographics/infographic-living-near-busy-roads-or-traffic-pollution/references-living-near-busy-roads-or-traffic-pollution> (collecting studies); see also <http://www.latimes.com/projects/la-me-freeway-pollution/>.

<sup>4</sup> <http://www.phi.org/uploads/application/files/xq1rssi18tmqtavs3k97m6ojpp6reyhgmy3ajnh9jhciy93r.pdf>

<sup>5</sup> This data is accessible at <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse> in the “Trip Counts”. Zip file at <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/trip-counts.zip?sfvrsn=2>.

EEJG-17  
cont.

limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.” (Pub. Res. Code §§ 21000(b)(3), 21002.1(b); CEQA Guidelines § 15126.4(a)(1); *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342, 360 (2001).) “Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.” (CEQA Guidelines § 15126.4(a)(1)(B).) Therefore, it is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” (Pub. Res. CODE § 21002.)

Many mitigation measures that should be considered and adopted are described in detail in the documents attached: (1) San Joaquin Valley Air Pollution Control District: Mitigation Measures, (2) Bay Area Air Quality Management District, *California Environmental Quality Act: Air Quality Guidelines* (2011), (3) Sacramento Metropolitan Air Quality Management District, Recommended Guidance for Land Use Emission Reductions Version 3.3 (for Operational Emissions) (2016), (4) San Luis Obispo County Air Pollution Control District, CEQA Air Quality Handbook: A Guide for Assessing the Air Quality Impacts For Projects Subject to CEQA Review (2012), (5) California Air Pollution Control Officers Association (CAPCOA), *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* (2008), and (6) California Attorney General’s Office, *Addressing Climate Change at the Project Level* (2010). The documents identify existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project’s air pollution and GHG emissions. These mitigation measures also provide the co-benefit of reducing many criteria emissions that contribute to the significant impacts to air quality from this project and should be evaluated for their feasibility in reducing both greenhouse gases and criteria pollutants.

Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts, the Project must adopt all feasible mitigation measures to reduce air quality and GHG impacts or provide “substantial evidence” as to why the mitigation measures are infeasible. (Guidelines § 15091(b).) Even if the Project’s impacts are *unavoidable* that does not absolve the City of its obligation to *mitigate* significant impacts to the extent feasible. The Environmental and Environmental Justice Groups therefore suggest the EIR adopt all feasible mitigation measures set forth in the attached. Their feasibility is proven, in many cases, by their actual implementation by cities and counties across California.

EEJG-18

Unfortunately, the RDEIR does not adopt all feasible mitigation measures as required by CEQA. Notably, the RDEIR claims that the Project would be uncompetitive if the City included any cap on the amount of trucks that visited the site. (RDEIR at 4.2.2-35.) However, whether a project is economically unfeasible “is not measured by increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical.” (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600 (internal citation omitted).) The RDEIR makes no showing that the Project would be rendered impractical if caps were implemented on the amount of truck traffic. CEQA requires the City to adopt all feasible mitigation measures or alternatives to limit the impacts of the Project. Here, not even a cursory analysis was conducted to determine whether and to what extent limitations on truck trips may be feasible. The RDEIR needs to be recirculated with such an analysis.

- EEJG-19 The RDEIR also disclaims any responsibility for the *types* of the trucks that would be permitted into the facility. The RDEIR could require that only certain types of “clean” trucks are permitted at the facility—particularly fully electric trucks. Daimler already has fully electric trucks in production and Tesla’s fully electric truck is expected to reach the market in 2019.<sup>6</sup> Assuming the Project moves forward and is constructed, electric trucks will likely be in frequent use in Southern California by the time construction is complete. Given the siting of the Project next to sensitive uses such as residences and schools, the RDEIR should limit truck traffic to electric trucks at the Project. Accordingly, the Project should also incorporate charging infrastructure for electric trucks (not just passenger cars) that is adequate to handle the anticipated truck traffic.
- EEJG-20 Some of the proposed air quality mitigation measures in the RDEIR are vague, deferred, and/or unenforceable. MM AQ-4 states that contractors shall rely on onsite electricity “if available,” (RDEIR at 4.2.2-37) but fails to explain how “availability” is determined. MM AQ-6 requires proper maintenance of construction equipment; this barely qualifies as a mitigation measure because such equipment should be properly maintained anyway, and indeed existing regulations may already require such maintenance. Likewise, MM AQ-7 merely requires compliance with California state law regarding idling times, and vaguely refers to “low emission mobile construction equipment.” Without any standards as to what constitutes “low emission” equipment, this requirement is too vague to qualify as a CEQA mitigation measure. And even this “low emission” requirement is undermined if the developer can persuade the City that use of such equipment is “infeasible.” Such negotiation would improperly occur outside of public view and after the CEQA review process. CEQA prohibits such deferral of the development of mitigation measures.
- Some of the other mitigation measures hardly qualify as “mitigation” because they merely identify what would already be expected in such circumstances; for instance, MM AQ-8 requires that construction equipment be turned off when not in use. Presumably construction personnel will already be doing this to save fuel/electricity and extend the lifetime of equipment.
- EEJG-21 MM AQ-10 states that the City will require trucks to incorporate “EPA Smartway features, as required by CARB.” (RDEIR at 4.2.2-38.) Given that the RDEIR indicates that the California Air Resources control Board (“CARB”) already requires implementation of “Smartway” features, MM AQ-10 does nothing more than restate current law. To the extent the RDEIR wishes to retain this as a “mitigation measure,” the RDEIR should describe these particular “features” and analyze exactly *how* and *to what extent* they will reduce emissions.
- EEJG-22 While the GHG section of the RDEIR contains a general description of the EPA Smartway program, it does not provide any performance standards or list which features of the program are mandatory as opposed to voluntary.
- EEJG-23 MM AQ-14 is remarkably vague as to what types of “pedestrian or bicycle connections” will be provided. It is similarly vague as to what type of “transit incentives” we will be provided under the Transportation Management Association (“TMA”), how the TMA will be funded in perpetuity, or what the budget of the TMA will be. Even if MM AQ-14 did provide sufficient detail, MM AQ-14 still would only amount to a voluntary program. The RDEIR does not provide

<sup>6</sup> <https://www.teslarati.com/tesla-semi-daimler-competition-actro-electric-truck/>

EEJG-23 cont. [substantial evidence that MM AQ-14 would lead to any discernable reduction in trips or accompanying reduction in air pollution.

**C. The RDEIR fails to consider the air quality impacts of the Project on wildlife.**

EEJG-24 [The RDEIR contains no information on how truck traffic, DPM emissions, or other emissions generated by the Project could harm local wildlife. Given the concentrated emissions of DPM generated by trucks travelling to and from the Project, the RDEIR needs to analyze such potential effects on all species, and particularly on special status species.

**D. The RDEIR fails to analyze the cumulative air quality impacts of the Project,**

CEQA defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines § 15355.) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project “when added to other closely related past, present, and reasonably foreseeable probable future projects.” (CEQA Guidelines § 15355(b).) And while an agency is not expected to foresee the unforeseeable, it is expected to use its “best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines § 15144; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 96; *Vineyard Area Citizens*, 40 Cal. 4th at 428.)

The purpose of analyzing cumulative environmental impacts is to assess adverse environmental change “as a whole greater than the sum of its parts.” (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 625.) Absent meaningful cumulative analysis there would be no control of development and “piecemeal development would inevitably cause havoc in virtually every aspect of the...environment.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.)

EEJG-25 [The RDEIR’s “analysis” regarding the cumulative air pollution impacts of the Project is inadequate and misleading. The RDEIR claims that the “total maximum estimated cancer risk associated with the cumulative projects identified above is estimated to be 24.68 in one million,” (RDEIR at 4.2.2-25) which is over twice the SCAQMD threshold of significance of 10 in one million. Despite conceding that the Project will add 3.79 incidents of cancer in one million, the RDEIR claims this increase is “not significant, nor cumulatively considerable.” (RDEIR 4.2.2-46.) In other words, the RDEIR is claiming that an increase in cancer rates for people near the Project from 24.68 in one million to 28.47 is not significant. This is over a 15 percent increase in cancer rates—when the baseline is already over twice the acceptable limit. Again, the RDEIR fails to objectively disclose the risks of the Project and instead attempts to mislead the public and decision-makers by downplaying the increase in cancer that will be caused by the Project.

**IV. The RDEIR Fails To Analyze or Mitigate the Project’s Greenhouse Gas Impacts.**

**A. Climate Change is a Catastrophic and Pressing Threat to California**

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that climate change threats are becoming increasingly dangerous. The Intergovernmental Panel on Climate

Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2014 Fifth Assessment Report that: “[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen,” and further that “[r]ecent climate changes have had widespread impacts on human and natural systems.”<sup>7</sup> These findings were echoed in the United States’ own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that “[m]ultiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years”<sup>8</sup> and “[i]mpacts related to climate change are already evident in many regions and are expected to become increasingly disruptive across the nation throughout this century and beyond.”<sup>9</sup> The 2017 Climate Science Special Report similarly concluded:

[B]ased on extensive evidence, . . . it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor.<sup>10</sup>

The U.S. National Research Council concluded that “[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems.”<sup>11</sup> Based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that

<sup>7</sup> IPCC [Intergovernmental Panel on Climate Change], *Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, [Core Writing Team, R.K. Pachauri & L.A. Meyer (eds.)], IPCC, Geneva, Switzerland (2014), [http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR\\_AR5\\_FINAL\\_full\\_wcover.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_FINAL_full_wcover.pdf) at 2.

<sup>8</sup> Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), *Climate Change Impacts in the United States: The Third National Climate Assessment*, U.S. Global Change Research Program (2014), <http://nca2014.globalchange.gov/downloads> at 7.

<sup>9</sup> Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), *Climate Change Impacts in the United States: The Third National Climate Assessment*, U.S. Global Change Research Program (2014), <http://nca2014.globalchange.gov/downloads> at 10.

<sup>10</sup> USGCRP [U.S. Global Change Research Program], *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J. et al. (eds.)], U.S. Global Change Research Program, Washington, DC (2017), <https://science2017.globalchange.gov/at-10>.

<sup>11</sup> NRC [National Research Council], *Advancing the Science of Climate Change*, National Research Council (2010), [www.nap.edu](http://www.nap.edu) at 2.

greenhouse gas pollution endangers the health and welfare of current and future generations.<sup>12</sup>

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. As stated by the Third National Climate Assessment: “observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases.”<sup>13</sup> The Assessment makes clear that “reduc[ing] the risks of some of the worst impacts of climate change” will require “aggressive and sustained greenhouse gas emission reductions” over the course of this century.<sup>14</sup>

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes—in addition to increasing species extinction risk.<sup>15</sup> Climate-change-related local extinctions are already widespread and have occurred in hundreds of species.<sup>16</sup> Catastrophic levels of species extinctions are projected during this century if climate change continues unabated.<sup>17</sup> In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability, as we detail below.

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Fifth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, total cumulative anthropogenic emissions of CO<sub>2</sub> must remain below about 1,000 GtCO<sub>2</sub> from 2011 onward for a 66 percent probability of limiting warming to 2°C above pre-industrial levels, and to 400 GtCO<sub>2</sub> from 2011 onward for a 66 percent probability of limiting warming to 1.5°C.<sup>18</sup> These carbon budgets have been reduced to

<sup>12</sup> U.S. EPA [U.S. Environmental Protection Agency], Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule, 74 Federal Register 66496 (2009).

<sup>13</sup> Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), *Climate Change Impacts in the United States: The Third National Climate Assessment*, U.S. Global Change Research Program (2014) at 2. *See also* Report Finding 1 at 15: “The global warming of the past 50 years is primarily due to human activities, predominantly the burning of fossil fuels.”

<sup>14</sup> Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), *Climate Change Impacts in the United States: The Third National Climate Assessment*, U.S. Global Change Research Program (2014) at 13, 14, and 649. *See also* Report Finding 3 at 15: “Human-induced climate change is projected to continue, and it will accelerate significantly if global emissions of heat-trapping gases continue to increase.”

<sup>15</sup> Warren, Rachel et al., Increasing impacts of climate change upon ecosystems with increasing global mean temperature rise, 106 *Climatic Change* 141 (2011).

<sup>16</sup> Wiens, John J., Climate-related local extinctions are already widespread among plant and animal species, 14 *PLoS Biology* e2001104 (2016).

<sup>17</sup> Thomas, Chris. D. et al., Extinction risk from climate change, 427 *Nature* 145 (2004); Maclean, Ilya M. D. & Robert J. Wilson, Recent ecological responses to climate change support predictions of high extinction risk, 108 *PNAS* 12337 (2011); Urban, Mark C., Accelerating extinction risk from climate change, 348 *Science* 571 (2015).

<sup>18</sup> IPCC [Intergovernmental Panel on Climate Change], 2013: Summary for Policymakers. In: *Climate Change 2013: The Physical Science Basis*, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F. et al. (eds.)], Cambridge University Press (2013) at 25; IPCC [Intergovernmental Panel on Climate Change], *Climate Change 2014: Synthesis Report*. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change,

850 GtCO<sub>2</sub> and 240 GtCO<sub>2</sub>, respectively, from 2015 onward.<sup>19</sup> Given that global CO<sub>2</sub> emissions in 2016 alone totaled 36 GtCO<sub>2</sub>,<sup>20</sup> humanity is rapidly consuming the remaining carbon budget needed to avoid the worst impacts of climate change. As of early 2018, climate policies by the world's countries would lead to an estimated 3.4°C of warming, and possibly up to 4.7°C of warming, well above the level needed to avoid the worst dangers of climate change.<sup>21</sup>

The United States has contributed more to climate change than any other country. The U.S. is the world's biggest cumulative emitter of greenhouse gas pollution, responsible for 27 percent of cumulative global CO<sub>2</sub> emissions since 1850, and the U.S. is currently the world's second highest emitter on an annual and per capita basis.<sup>22</sup> Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to hold global average temperature rise to well below 2°C above pre-industrial levels to avoid the worst dangers of climate change. Current U.S. climate policy has been ranked as "critically insufficient" by an international team of climate policy experts and climate scientists which concluded: "These steps represent a severe backwards move and an abrogation of the United States' responsibility as the world's second largest emitter at a time when more, not less, commitment is needed from all governments to avert the worst impacts of climate change."<sup>23</sup>

In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement and compliance with these steps is essential to help stabilize the climate and avoid catastrophic impacts to our environment. California has a mandate under AB 32 to reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code § 38550.) Based on the warning of the Intergovernmental panel on Climate Change and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emission reduction 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is in line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) In enacting SB 375, the state has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.<sup>24</sup>

The state Legislature has found that failure to achieve greenhouse gas reduction would be "detrimental" to the state's economy. (Health & Saf. Code § 38501(b).) In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

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[Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.), IPCC, Geneva, Switzerland (2014) at 63-64 & Table 2.2.

<sup>19</sup> Rogelj, Joeri et al., Differences between carbon budget estimates unraveled, 6 Nature Climate Change 245 (2016) at Table 2.

<sup>20</sup> Le Quéré, Corinne, et al., Global Carbon Budget 2017, Earth Syst. Sci. Data Discuss., <https://doi.org/10.5194/essd-2017-123> (2017), <http://www.globalcarbonproject.org/carbonbudget/17/data.htm>.

<sup>21</sup> Climate Action Tracker, Improvement in warming outlook at India and China move ahead, but Paris Agreement gap still looms large (November 2017), <http://climateactiontracker.org/publications/briefing/288/Improvement-in-warming-outlook-as-India-and-China-move-ahead-but-Paris-Agreement-gap-still-looms-large.html>.

<sup>22</sup> World Resources Institute, 6 Graphs Explain the World's Top 10 Emitters (November 25, 2014).

<sup>23</sup> Climate Action Tracker, USA (last updated 6 November 2017), <http://climateactiontracker.org/countries/usa>.

<sup>24</sup> See <http://www.arb.ca.gov/cc/sb375/sb375.htm>.



- Increase electricity derived from renewable sources to 50 percent;
- Reduce today’s petroleum use in cars and trucks by 50 percent;
- Double the efficiency of existing buildings and make heating fuels cleaner.  
(Brown 2015 Address.)

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 (“the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis” that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California’s climate as a whole. Therefore, project-specific GHG emission disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

EEJG-26

The RDEIR fails to establish consistency with state GHG policies and plans. For instance, the GHG emissions analysis fails to establish consistency with Executive Order S-3-05, which requires a reduction in GHG emissions to 80 percent below 1990 levels by 2050. Instead, the RDEIR erroneously concludes that because this order has not been “codified,” it does not need to consider consistency. (RDEIR at 4.2.7-50.) The Project will obviously still exist in 2050, such that compliance with the 2050 targets is appropriate now.

**B. The RDEIR’s Fails to Adopt All Feasible Mitigation Measures to reduce GHG emissions.**

EEJG-27

Despite the severe threat that climate change poses for California, the RDEIR does not adopt all feasible mitigation measures as required by CEQA. Instead, the RDEIR conflates “specific plan requirements” with CEQA project mitigation measures. This is unlawful under CEQA. As discussed above, the RDEIR must identify specific CEQA mitigation measures that are binding and enforceable conditions of project approval and analyze how those measures will indeed reduce the impacts of the Project. The RDEIR must also identify which measures were proposed by the project proponent and which are proposed by the lead agency. (Guidelines 12126.4(a)(1)(A).) The RDEIR fails to do this; the RDEIR lists “SP-GHG-1” through SP-GHG-8” as well as “SP-AQ-1” and “SP-AQ-6.” These are “*specific plan requirements*,” not CEQA mitigation measures. Moreover, most of these “SPs” merely restate existing laws, regulations, or rules. The only actual CEQA mitigation measure is MM GHG-1, which requires certain project buildings to be “solar ready.” (RDEIR at 4.2.7-41.)

EEJG-28

EEJG-29

The RDEIR also includes “standard requirements,” listed as “SR-GHG-1” through “SR-GHG-3.” There is no such thing in CEQA as a “standard requirement.” By phrasing these as “requirements” without adopting them as binding and enforceable CEQA mitigation measures, the RDEIR misleads the public and decision-makers. And the RDEIR’s framing of these measures as “requirements” begs the question—if the project proponent and the City have agreed that these various items are “requirements” of the Project, then why did they expressly avoid including them as CEQA mitigation measures?

EEJG-30

The RDEIR concedes that GHG impacts will be significant without mitigation. (RDEIR at 4.2.7-41.) As discussed above, this means that the City has a duty under CEQA to adopt all feasible CEQA mitigation measures or alternatives to reduce this impact to the greatest extent

EEJG-30  
cont.

feasible. Developer-proposed specific plan “requirements” do not even begin to meet this mandate under state law. And the sole CEQA mitigation measure – “solar ready” roofs – will do nothing to reduce GHG emissions, as there is no guarantee or requirement that actual solar panels be installed on the buildings. The RDEIR also does not explain why *actual installation* of solar panels on all the buildings in the Project is *not* feasible. Indeed, with the reduced cost of solar, such solar panels are definitely feasible, and many other logistics facilities throughout the state and country have already implemented such measures.<sup>25</sup>

The RDEIR concludes that “no feasible mitigation measures exist that would reduce project-related emissions to levels that are less-than-significant.” (RDEIR at 4.2.7-42.) This misstates the standard under CEQA. When there is a significant effect (as is the case here, undisputedly), the City must adopt *all* feasible mitigation measures to reduce that effect, even if the effect remains significant. Here, there is absolutely no evidence that the RDEIR considered other feasible mitigation measures. The RDEIR accordingly violates CEQA and needs to be revised prior to approval.

EEJG-31

Available and feasible mitigation measures during construction and operation of the Project would lower the Project’s overall GHG emissions and contribution to climate change. California Air Pollution Control Officers Association (“CAPCOA”) has identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project’s GHG emissions. (CAPCOA 2010.) The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (CA AG 2010.) Examples of potential additional mitigation measures include EV subsidies, more onsite renewable energy for early phases of the Project, and a program to offset the remaining GHG emissions locally. There are a rich and varied array of mitigation measures for GHG emissions available that should be incorporated into the revised Project.

If the Project cannot fully reduce all of its GHG emissions through mitigation measures, it should adopt off-site measures and acquire offsets in order to reduce the Project’s emissions to zero (which is an approach other projects in California have done).<sup>26</sup> CEQA specifically envisions such offsets for the mitigation of GHG emissions. (*See* CEQA Guidelines § 15126.4(c)(3) (“Measures to mitigate the significant effects of greenhouse gas emissions may include . . . [o]ff-site measures, including offsets that are not otherwise required”).) Emissions could be offset either through financial contributions to sustainable energy projects or through the purchase of carbon credits. Such programs are increasingly common and thus raise no issue of infeasibility. Without further consideration of non-duplicative and feasible mitigation measures, the RDEIR’s analysis will remain inadequate.

The RDEIR states that neither the City nor the project applicant can materially effect project-related mobile-source emissions beyond the state regulatory requirements. (RDEIR at 4.2.7-42.) The Environmental and Environmental Justice Groups disagree with this statement,

<sup>25</sup> <https://www.seattletimes.com/business/amazon/amazoncom-plans-big-solar-power-rollout-at-warehouses/>; <https://www.supplychaindive.com/news/ups-solar-panels-sustainability-2017/435766/>; <https://www.sdcexec.com/home/article/12337885/how-to-leverage-solar-power-to-boost-sustainability-in-a-warehousedistribution-center>; <http://www.reliableplant.com/Read/25932/General-Mills-solar-powered>

<sup>26</sup> *See* California Department of Fish and Wildlife, *Newhall Ranch Resource and Development Management and Development Plan, Final Additional Environmental Analysis*, Appendix 2.1, available at [http://planning.lacounty.gov/assets/upl/case/tr\\_53108\\_appendix-2-0-cdfw-final-aea-excerpts.pdf](http://planning.lacounty.gov/assets/upl/case/tr_53108_appendix-2-0-cdfw-final-aea-excerpts.pdf).

EEJG-31  
cont.

and the RDEIR provides no legal authority for this statement. As discussed above, the City and/or applicant can specify which types of trucks (and in what amounts) may enter the facility per day or per year. The City and/or applicant could also provide a system of monetary incentives or discounts when electric trucks are used instead of traditional trucks. Once again, CEQA requires a thorough analysis of mitigation measures and adoption of all feasible measures. The mere fact that the state oversees certain mobile-source emissions rules does not preclude the City and/or applicant from dictating what types of trucks enter the facility.

In short, the RDEIR fails to include substantial evidence demonstrating it has adopted all feasible mitigation measures to reduce its GHG emissions. This failure violates CEQA and must be rectified either through the adoption of all feasible mitigation measure or explanation from the City's on why it is infeasible to mitigate the Project's significant GHG emissions. Additionally, the City's failure to take all feasible steps to reduce emissions from this proposed project undermines California's ability to meet its GHG reduction targets.

**V. The RDEIR Fails to Adequately Analyze and Mitigate the Impacts of the Project on Biological Resources.**

**A. The RDEIR fails to analyze or mitigate impacts on wildlife connectivity.**

A CEQA threshold of significance is whether the Project will "[i]nterfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors...." (CEQA Guidelines, Appx. G.) The Project will sever the linkage between the Jurupa Hills and Rattlesnake Mountain if built. This is quite clear from the aerial photos of the project area, which show that it will act as a complete barrier to wildlife movement between the Jurupa Hills and Rattlesnake Mountain. (See RDEIR, Appx. G at 7; RDEIR at Figure 2-3.)

EEJG-32

Instead of accurately analyzing or disclosing this significant impact, the RDEIR misleadingly claims that there are "no existing habitat features that occur between Rattlesnake Mountain and the Jurupa Hills that would be expected to support a wildlife movement corridor." (RDEIR at 4.2.3-16.) As Dr. Smallwood explained in his comment letter (to which the City has not responded), this statement incorrectly presumes that there is a scientifically established habitat feature that qualifies as a wildlife movement corridor; in fact, wildlife corridors are often forced corridors developed by human land development. (RDEIR, Appx. B3 at PDF 16.) Similarly, the RDEIR claims that the project area "does not represent an opportunity for avian movement between undeveloped areas in the Jurupa Hills and Rattlesnake Mountain, and the project site in its current condition does not provide an east-west movement corridor for avian species." (RDEIR at 4.2.3-28.) The RDEIR provides no support for this claim, which is at odds with the expert opinions of Dr. Smallwood and the California Department of Fish and Wildlife ("CDFW"). (See CDFW Letter at RDEIR, Appx. B3 at 79-83.) This statement is even at odds with an earlier version of the RDEIR, which stated "The project site is currently the only open space connecting the native Riversidean Sage Scrub (RSS) habitats in the Jurupa Hills and Rattlesnake Mountain. Under the current project design, *the proposed project would permanently sever potential wildlife movement (including restricting movement of California Gnatcatcher) between the Jurupa Hills and Rattlesnake Mountain.*" (RDEIR, Appx. B3 at PDF 79, emphasis added.)

EEJG-32  
cont.

Notably, the very next paragraph of the current version of the RDEIR discusses how terrestrial mammals *could* utilize this same corridor. (RDEIR at 4.2.3-29.) The RDEIR never explains how the surrounding lands and this corridor are adequate for terrestrial mammals but inadequate for avian species. This “analysis” reveals a shocking amount of bias by the drafters of the RDEIR and an accompanying lack of any exercise of independent judgment by the City. The City needs to recirculate an EIR that makes a good faith effort to comply with CEQA’s disclosure requirements.

**B. The RDEIR fails to analyze or mitigate impacts on the coastal California gnatcatcher.**

CEQA requires that the EIR include “a description of the physical environmental conditions in the vicinity of the project.” (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320-321; Guidelines § 15125(a).) An agency must use its “best efforts to find out and disclose all that it reasonably can” and gather this information “at the earliest possible time in the environmental review process.” (Guidelines § 15144; Pub. Res. Code § 21003.1(a).)

EEJG-33

No protocol-level surveys were conducted for the coastal California gnatcatcher even though the RDEIR reports that the gnatcatcher has a “moderate” potential to occur onsite. The RDEIR only states that “reconnaissance” and “focused surveys” were conducted. (RDEIR at 4.2.3-14.) The RDEIR discloses that protocol-level surveys were conducted for the other ESA-listed species (Delhi Sands Flower-loving Fly) but does not explain why protocol-level surveys were not conducted for the coastal California gnatcatcher. Instead, the RDEIR delays protocol surveys until after project approval, and improperly labels such surveys as “mitigation” in MM BIO-1. CEQA requires the EIR to disclose baseline conditions and mitigation measures *prior* to project approval.

EEJG-34

The RDEIR grossly mischaracterizes the extent of federally designated critically habitat for the coastal California gnatcatcher in the project area. The RDEIR states, “The existing undisturbed RSS habitat on site that meets the Critical Habitat definition occurs exclusively within the proposed conservation area and would not be affected by activities occurring in the development area.” (RDEIR at 4.2.3-23.) However, buried in Appendix D is a map of the project area showing that virtually the *entire* project is in critical habitat for the gnatcatcher. (Appx. D at Exh. D.) Destruction of hundreds of acres of critical habitat for an ESA-listed species interferes with the survival *and* recovery of that species, regardless of whether the species currently inhabits the area. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449 [potentially significant impacts to such special status species are “per se significant”]; Guidelines § 15380(b)(2) & (d).)

EEJG-35

The RDEIR claims that MM BIO-1 would mitigate impacts on the coastal California gnatcatcher (and burrowing owl) to less than significant levels. (RDEIR at 4.2.3-26.) The RDEIR fails to explain how MM BIO-1 will mitigate the habitat loss, disturbance, and fragmentation caused by the Project. Again, the Project will be permanently destroying federally designated habitat for the gnatcatcher. The Project should avoid all gnatcatcher critical habitat and mitigate at a five to one ratio for any habitat that cannot be avoided. As currently proposed, the 55-acre conservation area will not come even close to mitigating the impacts of the Project on gnatcatcher and burrowing owl.

**C. The RDEIR fails to analyze or mitigate impacts on the burrowing owl.**

The burrowing owl is a California species of special concern. CDFW defines a species of special concern as a species that, among other things, “is experiencing, or formerly experienced, serious (noneyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status.” (California Dep’t of Fish & Wildlife, *Species of Special Concern* (last visited Oct. 9, 2014), <http://www.dfg.ca.gov/wildlife/nongame/ssc/>.) CDFW aims to “achieve conservation and recovery of these animals before they meet California Endangered Species Act criteria for listing as threatened or endangered.” (*Id.*) CDFW states that species of special concern “should be considered during the environmental review process.” (*Id.*; CEQA Guidelines § 15380(b)(B).) An impact to wildlife is significant where it “substantially reduce[s] the number or restrict[s] the range of an endangered, rare or threatened species.” (CEQA Guidelines, § 15065.) CDFW interprets this provision to apply to species of special concern, such as the burrowing owl. (California Dep’t of Fish & Wildlife, *Species of Special Concern*, *supra* (“[Section] 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs.”).) The City must mitigate significant effects whenever feasible. (Cal. Pub. Res. Code § 21080.5(d)(2)(A).)

EEJG-36

The RDEIR acknowledges that the site is suitable for burrowing owls, but states that the only recent survey conducted was not during breeding season. (RDEIR at 4.2.3-15.) Even then, one burrowing owl was located. The RDEIR fails to explain why protocol-level surveys during breeding season were not conducted for this special status species, given its likely presence at the site.

Instead, the RDEIR defers any protocol surveys until after project approval. (RDEIR at 4.2.3-24.) Again, CEQA requires such analysis of baseline conditions to occur prior—and not after—project approval.

**D. The RDEIR fails to analyze impacts to the Delhi Sands flower-loving fly**

The Delhi Sand flower-loving fly is listed as endangered under the federal Endangered Species Act. The Delhi Sands flower-loving fly is only known from Riverside and San Bernardino counties, with most occupied Delhi Sands flower-loving fly habitat located within a limited area of southwestern San Bernardino County. (USFWS 2008) Most of the suitable habitat left for the endangered fly has already been lost and the species long-term survival continues to be precarious. As the RDEIR acknowledges, the project site occurs within the Jurupa Recovery Unit. (RDEIR 4.2.3-19) The site potentially contains Delhi Series soils that are ideal for habitat for the endangered fly.

EEJG-37

However, the RDEIR does not include any recent surveys for the endangered fly. This is despite the 2014 habitat assessment concluding that focused studies were need for the endangered fly. Instead, the RDEIR concludes that because surveys in 2011, 2012 and 2013 did not find the endangered fly no additional surveys were needed. This inconsistency is never adequately addressed in the RDEIR. The RDEIR takes an inadequate, cursory approach to potential impacts to the endangered fly. As noted above, CEQA requires an agency to use its “best efforts to find out and disclose all that it reasonably can.” (Guidelines § 15144; Pub. Res. Code § 21003.1(a).) The City failed to do so here and therefore violated CEQA.

**E. The RDEIR fails to analyze or mitigate impacts on rare plants.**

EEJG-38 | The RDEIR concedes that surveying for rare plants has not been completed; as a “mitigation” measure, it states that surveys for specific plants shall only be conducted “prior to construction” and “[a]ny special-status plant populations shall be mapped in the field.” (RDEIR at 4.2.3-24.) Once again, under CEQA, the public and decision-makers are entitled to full disclosure of existing environmental conditions *before* project approval.

EEJG-39 | MM BIO-1 does not even propose an actual mitigation plan for rare plants. Instead, the RDEIR states, “If special-status species are determined to be present within the RSS habitat, then prior to issuance of project grading permit, a 5-year on-site restoration mitigation and monitoring program shall be developed and implemented for any planting areas established to mitigate impacts on special-status plant species.” This amounts to nothing more than a suggestion that some type of mitigation “plan” will be developed *after* project approval and out of public view.

EEJG-39 | CEQA bars such deferred development of mitigation. In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigations measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) The RDEIR fails to satisfy any of these elements, and accordingly violates the CEQA.

EEJG-40 | MM BIO-3 again demonstrates that the City has not complied with its duties under CEQA of disclosing baseline conditions. In particular, MM BIO-3 states that a “habitat mitigation and monitoring plan” or “HMMP” would “[d]ocument the baseline conditions within the RSS Open Space Area.” (RDEIR at 4.2.3-25.) Baseline conditions should already be thoroughly documented in the RDEIR.

**F. The RDEIR does not mitigate the impacts of habitat loss or human disturbance caused the Project.**

EEJG-41 | The RDEIR elsewhere claims that the Project sets aside 55.23 acres for conservation and that “only uses consistent with the habitat conservation purpose of the area will be permitted.” (RDEIR at 4.2.3-21.) The RDEIR needs to explain what types of uses (if any) will be permitted, as the Environmental and Environmental Justice Groups have seen developers take the position that uses such as grazing, biking, or ORVs is consistent with conservation purposes. Here, there is no information in the RDEIR as to whether such uses or other uses will be permitted. The RDEIR needs to commit to a conservation easement being placed on the lands to ensure conservation in perpetuity.

EEJG-42 | The RDEIR also fails to explain how MM BIO-3 will “control” trespassing, dumping, and other human uses. The RDEIR needs to commit adequate funds and a workable plan to prevent these problems from occurring in the future. This is especially true when the RDEIR repeatedly claims the existing lands have been “disturbed” by legal or illegal human activities such as disking and ORV use. Such human pressures will continue and likely intensify after project approval. MM BIO-6 claims that a “permanent barrier or fence” shall be erected to protect these acres. (RDEIR at 4.2.3-26.) While such a barrier may keep out trespassers, it will

EEJG-42 cont. | degrade wildlife movement. The RDEIR states this fence can be made out of barbed wire but suggests that barbed wire will “allow for the passage of wildlife.” (*Id.*) Barbed wire is likely to inhibit passage by many species and potentially injure animals attempting to pass. The RDEIR ignores this likely scenario.

EEJG-43 | The RDEIR fails to explain how “vegetated areas” will “accommodate potential avian movement between Rattlesnake Mountain and the Jurupa Hills regions.” (RDEIR at 4.2.3-25.) This is exceedingly vague and offers no assurances that adequate undisturbed lands will be set aside to allow for natural movements of birds.

EEJG-44 | Lacking from the RDEIR is analysis about how these proposed mitigation measures will ensure connectivity between Rattlesnake Mountain and the Jurupa Hills. CDFW already identified the serious problem the Project could cause for wildlife movement—particularly for the ESA-listed gnatcatcher—four years ago. (RDEIR, Appx. B3 at PDF 82.) Indeed, multiple commenters have already noted that the Project is likely to permanently sever such connection, and that such habitat fragmentation will have profound impacts on all of the species that use these areas. Nonetheless, the RDEIR has failed to remedy this problem with the Project. The RDEIR needs to present a clear and objective picture of existing conditions and the impacts of the Project instead of sweeping them under the rug.

**G. The RDEIR omits key plans.**

EEJG-45 | The RDEIR fails to include key plans for public review. Plans identified in the RDEIR and relied upon for adequate mitigation but which we could not locate in the document or its appendices include:

- Streambed alteration agreement monitoring plan (at 4.2.3-26)
- Habitat mitigation and monitoring plan (at 4.2.3-25)
- Habitat management plan (at 4.2.3-23)

While the RDEIR does provide guidance for requirements to be included in the some of the plans, the failure to have plans available for public review is unacceptable. The lack of plans renders an evaluation of the efficacy of the avoidance, minimization and mitigation impossible.

All of these plans are key components to evaluating the avoidance, minimization and mitigation to biological resources by the proposed project. Their absence makes it impossible to evaluate if the impacts from the proposed project could actually be effectively mitigated. Each of these plans needs to be included in the revised RDEIR.

**VI. The RDEIR Engages in Improper Segmentation.**

Piecemealing is the process of dividing a large project into smaller individual subprojects in order to avoid consideration of the project’s impacts as a whole. (*Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 281.) CEQA prohibits this practice because—absent such a prohibition—a series of subprojects could be separately considered by an agency, such that a large project with cumulatively “disastrous consequences” could avoid review under CEQA. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 98.) CEQA prevents piecemealing

by defining the “project” broadly to include any “reasonably foreseeable indirect physical change in the environment.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654.)

EEJG-46 Here, the RDEIR states there are certain “off-site areas affected by the Project,” including roads, utilities, and infrastructure construction. (RDEIR at 3-2.) The RDEIR needs to disclose and analyze the impacts of these activities in detail, as they are properly part of the Project. It is not dispositive that no construction schedule has been developed “at this time.” (RDEIR at 4.2.7-31.) What matters under CEQA is that this additional infrastructure is a “reasonably foreseeable” consequence of the Project, such that it must be analyzed in the RDEIR. This additional infrastructure could disrupt habitat for special status species (such as the coastal California gnatcatcher and burrowing owl) and degrade connectivity between habitat areas. Additional roads and/or traffic could lead to increased vehicle strikes on wildlife.

**VII. The RDEIR Fails to Contain an Accurate Project Description.**

Under CEQA, a “project” is defined as “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 . . . .” (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a).) An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 (project description held unstable and misleading) [hereinafter “*San Joaquin Raptor*”].) “However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

An inaccurate or truncated project description is prejudicial error because it fails to “adequately apprise all interested parties of the true scope of the project.” (*See City of Santee v. Cnty. of San Diego* (1989) 214 Cal.App.3d 1438, 1454-55 [hereinafter “*City of Santee*”].) “Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

EEJG-47 As discussed above, the RDEIR does not provide a complete and detailed description of various road, utility, and infrastructure activities that are properly part of the Project. This omission renders the RDEIR’s project description incomplete, thereby violating CEQA.

**VIII. Conclusion**

EEJG-48 Given the possibility that the Environmental and Environmental Justice Groups will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the City of its duty to maintain and preserve all documents and communications that may constitute part of the “administrative record.” As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the City with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [/] the agency’s compliance with CEQA .



EEJG-48  
cont.

...” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the City’s representatives or employees, which relate to the Project, including any correspondence, emails, and text messages sent between the City’s representatives or employees and the project proponent’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

EEJG-49

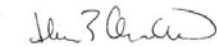
Thank you for the opportunity to submit comments on the Project. We look forward to working to assure that the Project and environmental review conforms to the requirements of state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. In light of many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form.

Please do not hesitate to contact the Center with any questions at the number listed below. We look forward to reviewing the City’s responses to these comments in the Final EIR for this Project once it has been completed.

Sincerely,



J.P. Rose  
Staff Attorney  
Center for Biological Diversity



Heene Anderson  
Senior Scientist  
Center for Biological Diversity



Conservation Chair  
Kim Floyd  
San Geronio Chapter of the Sierra Club

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Mayor Pro Tem John Robert ([jroberts@fontana.org](mailto:jroberts@fontana.org))  
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City Council Member Jesus “Jesse” Sandoval ([jsandova@fontana.org](mailto:jsandova@fontana.org))



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## 2.3.17 Center for Biological Diversity, Sierra Club, Center for Community Action and Environmental Justice

### Response to Comment EEJG-1

This comment sets forth a planning opinion regarding the project. While the comment raises the issue of public health, it does not acknowledge or refute the finding of the project's HRA that health impacts would be less than significant. The 2<sup>nd</sup> RDEIR clearly acknowledges that the proposed industrial use of the project site is different than the residential land use designations and zoning of adjacent properties.

### Response to Comment EEJG-2

This comment greatly mischaracterizes the City's actions to date with respect to the proposed West Valley Logistics Center. The 2<sup>nd</sup> RDEIR's Project Description (Section 3.4.8) acknowledges that the proposed project is inconsistent with the currently land use designation for the site, as well as being inconsistent with the currently adopted Valley Trails Specific Plan. Section 3.4.8 of the EIR also specifically states that the project includes "an amendment to the City's Land Use Element to replace the existing residential and public land use designations on the site with light industrial use and open space designations." It is the legal right of every landowner to request such an amendment, and it is the obligation of the City of Fontana to process such a request in accordance with State law and local ordinance requirements. While the City has the legal obligation to consider the proposed project, it is under no obligation to approve the project.

### Response to Comment EEJG-3

Table 4.2.10-2, Land Use and Planning Consistency Analysis, evaluates the project's consistency with the City's General policies. The specific wording of the Land Use Element policy to which this comment refers is:

**"Policy 1.** New development with potentially adverse impacts on existing neighborhoods or residents such as noise, traffic, emissions and storm water runoff, shall be located and designed so that quality of life and safety in existing neighborhoods are preserved."

In EIR Table 4.2.10-2, the City concluded that the proposed project was, in fact, consistent with this policy as follows:

"Adverse impacts on existing neighborhoods as a result of new development per the proposed WVLCSP are discussed for biological resources, cultural resources, noise, traffic, air quality, GHG emissions, and hydrology and water quality in various sections of this Second Recirculated Draft Environmental Impact Report (2<sup>nd</sup> Recirculated DEIR). Potentially significant impacts related to traffic safety would be mitigated by **Mitigation Measure TRA-1a** during project construction. Traffic impacts on local intersections would be reduced with installation of roadway improvements and payment of traffic impact fees per **Mitigation Measures TRA-1b** through **TRA-1d** to preserve the quality of life and safety in existing neighborhoods. Stormwater and drainage would be detained on site and held in stormwater basins to avoid any adverse impacts on the surrounding neighborhoods. Although the project would result in significant unavoidable noise, traffic, and air quality impacts, compliance with applicable regulations and implementation of project-specific mitigation measures would reduce project-related impacts to the extent feasible."

## Response to Comment EEJG-4

The specific wording of the Open Space/Conservation Element policy to which this comment refers is:

**“Policy 1.** Support preservation of the open space along the San Gabriel Mountains and Jurupa Hills for natural habitat, scientific inquiry, passive recreation, and scenic values.”

Thus, the policy calls for preserving open space within the Jurupa Hills, which encompass the western, hillside portion of the project site, not the entirety of the site. In EIR Table 4.2.10-2, the City concluded that the proposed project was, in fact, consistent with this policy as follows:

“Approximately 55 acres of natural hillside open space in the WVLCSP would be preserved in open space along the eastern edge of the Jurupa Hills for natural habitat, scientific inquiry, passive recreation, and scenic values.”

The open space that would be lost as the result of the proposed project consists of highly degraded habitat for which urban development in the form of the Valley Trails Specific Plan has long been approved.

## Response to Comment EEJG-5

The commenter correctly states that the “City of Fontana will embark on a General Plan Update Process” in accordance with Senate Bill 1000, which requires cities and counties to include environmental justice goals and policies in general plan updates, starting in 2018. Once the City completes this process and approves a General Plan, the environmental justice goals and policies will be applicable to future projects. However, there are not yet existing environmental justice goals or policies that would apply to this project, nor is there any requirement under CEQA to address environmental justice.

## Response to Comment EEJG-6

The City of Fontana has provided notices to area residents consistent with the Fontana policies and the requirements of State law. The area for which public notices for West Valley Logistics Center meetings and availability of environmental documents has and will continue to comply with the requirements of State and local law. The City has included residents of the City of Fontana, City of Jurupa Valley, and unincorporated San Bernardino in its noticing for the project and the noticing area has been expanded to 1,320 feet. Comment EEJG-6 provides no information regarding the location of residents alleging they did not receive notice, nor any evidence that adequate notice per City policy and State law, was not, in fact, provided.

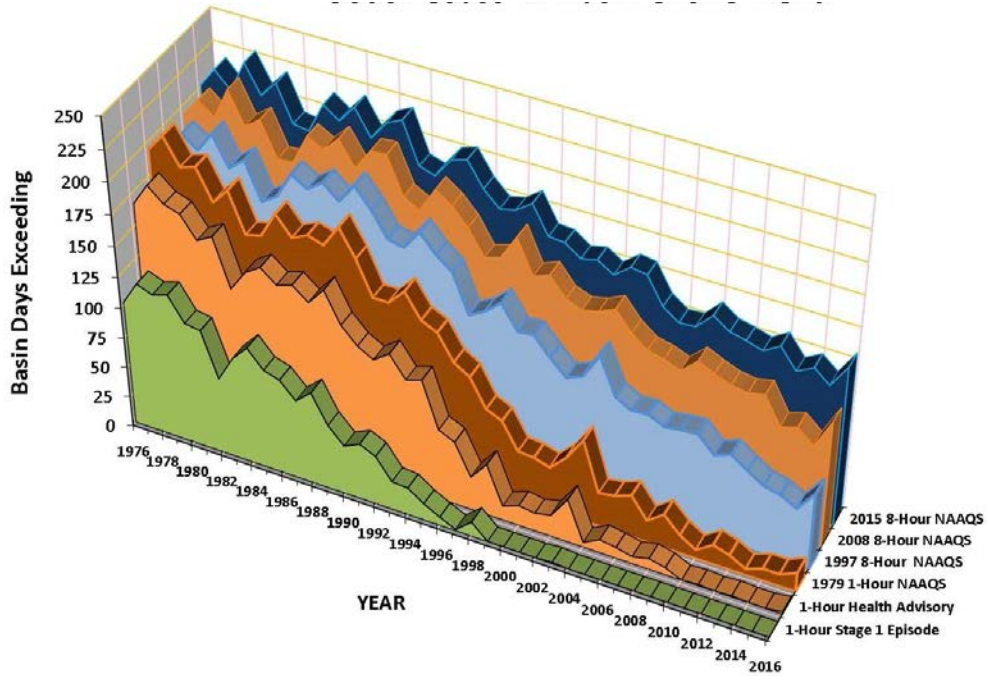
## Response to Comment EEJG-7

This comment claims that the 2<sup>nd</sup> RDEIR does not adequately evaluate air quality and health risks. This comment is not supported by substantial evidence since the 2<sup>nd</sup> RDEIR includes a detailed analysis of air quality and health risk impacts associated with the project as well as cumulative impacts.

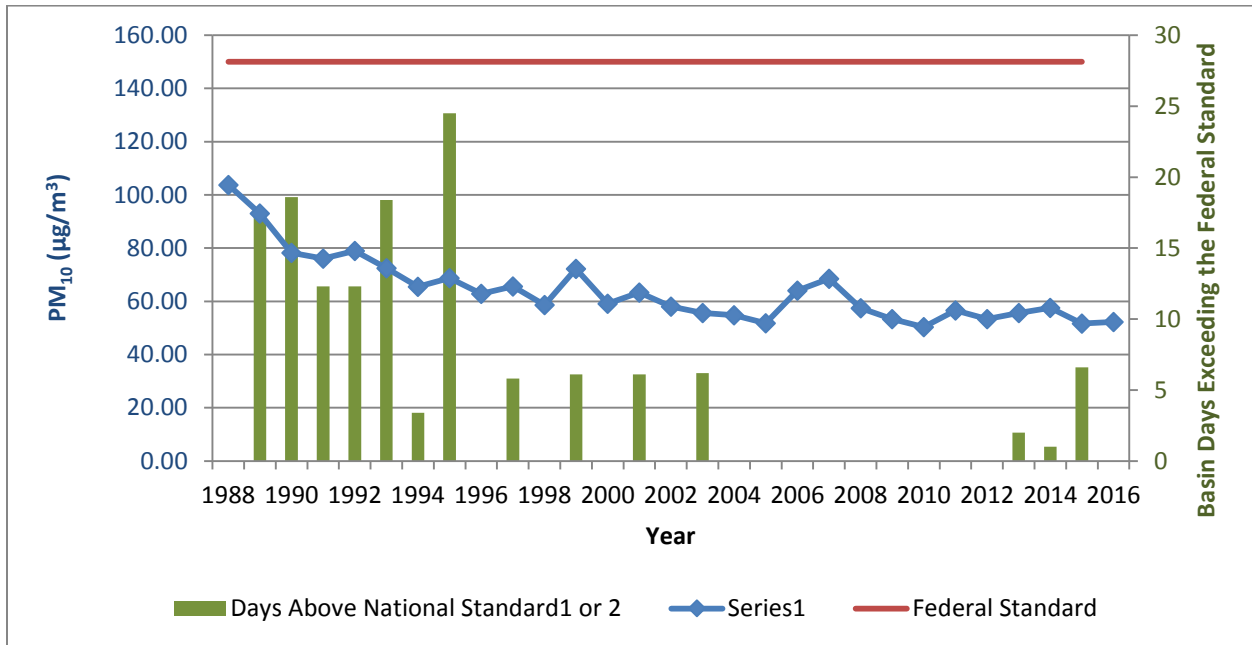
Furthermore, ozone, NO<sub>x</sub>, VOC, and CO have been decreasing in the Basin since 1975 and are projected to continue to decrease through 2020 (as stated in the SCAQMD’s 2012 Air Quality Management Plan [AQMP]). These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled in the Basin continue to

increase, NO<sub>x</sub> and VOC levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO<sub>x</sub> emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. For a complete discussion of existing air quality and future air quality impacts, see Section 2.8, *Regional Air Quality Improvement*, Appendix F of the 2<sup>nd</sup> RDEIR. The following exhibits illustrate the air quality improvement achieved even as substantial growth has occurred. These exhibits are presented in Appendix F of the 2<sup>nd</sup> RDEIR and restated here for ease of review:

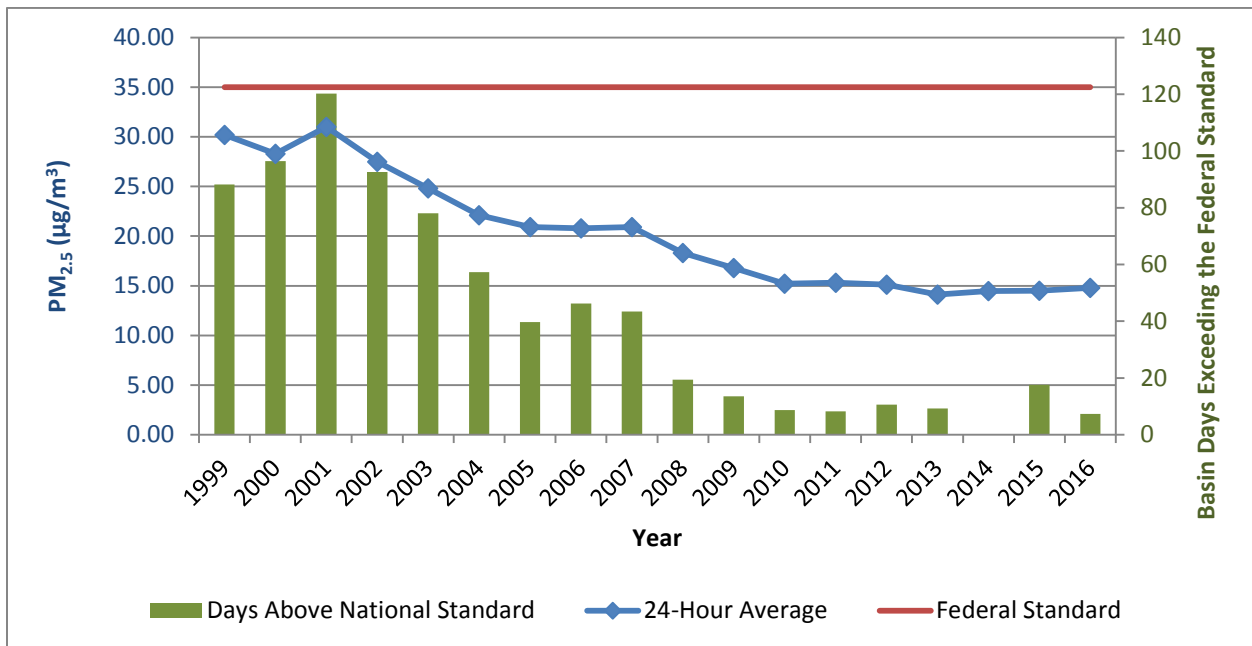
**Table 2-4. South Coast Air Basin Ozone Trend**



**Table 2-5. South Coast Air Basin PM<sub>10</sub> Trend**

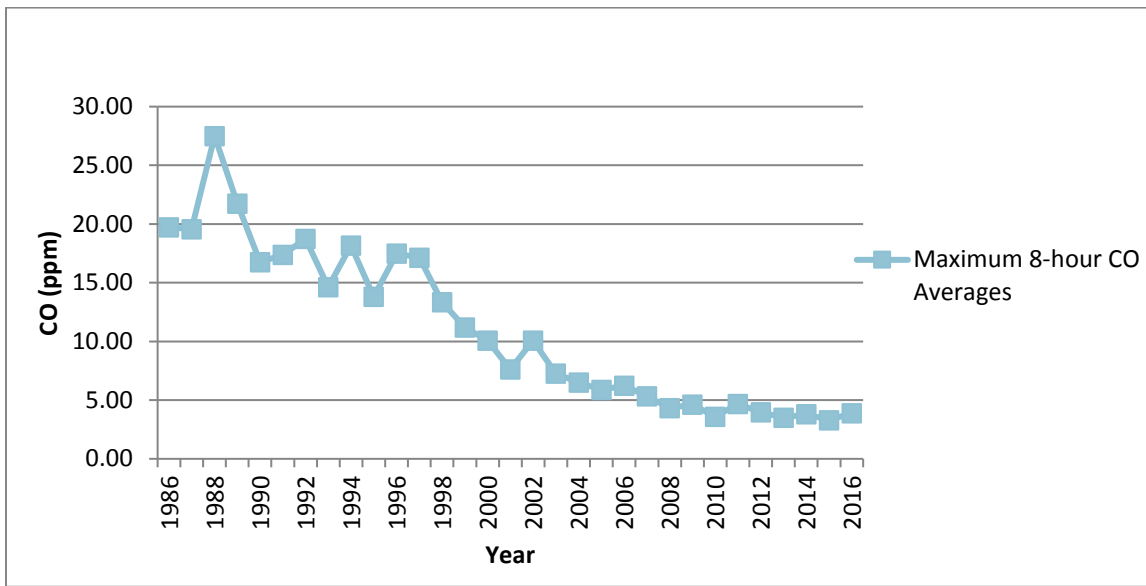


**Table 2-6: South Coast Air Basin PM<sub>2.5</sub> Trend**

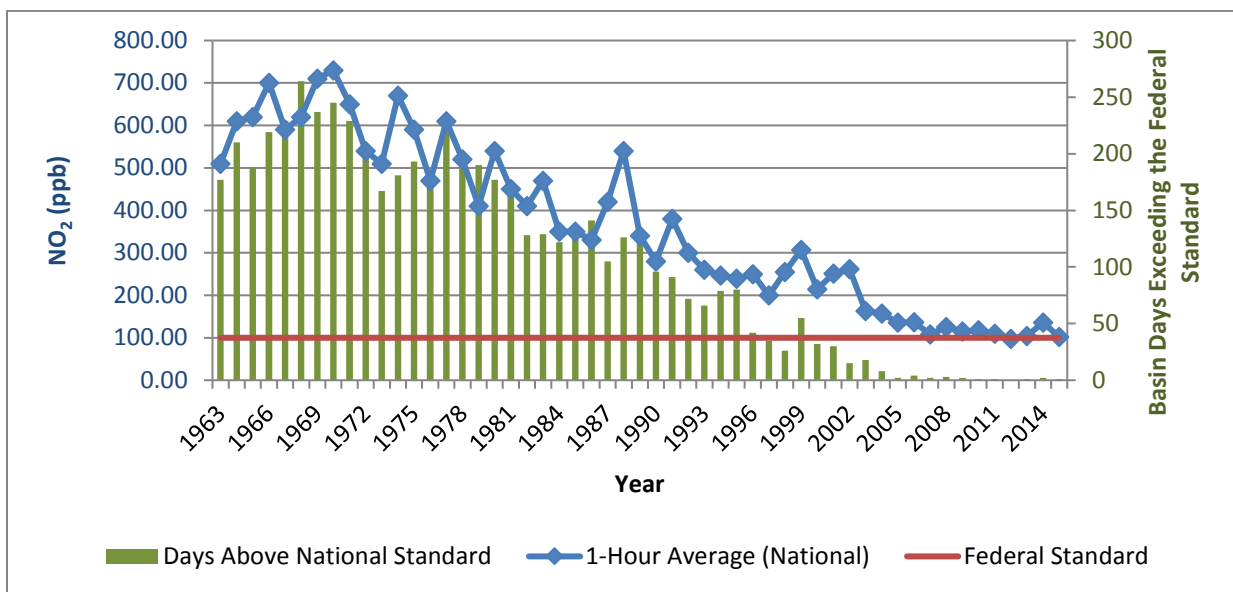




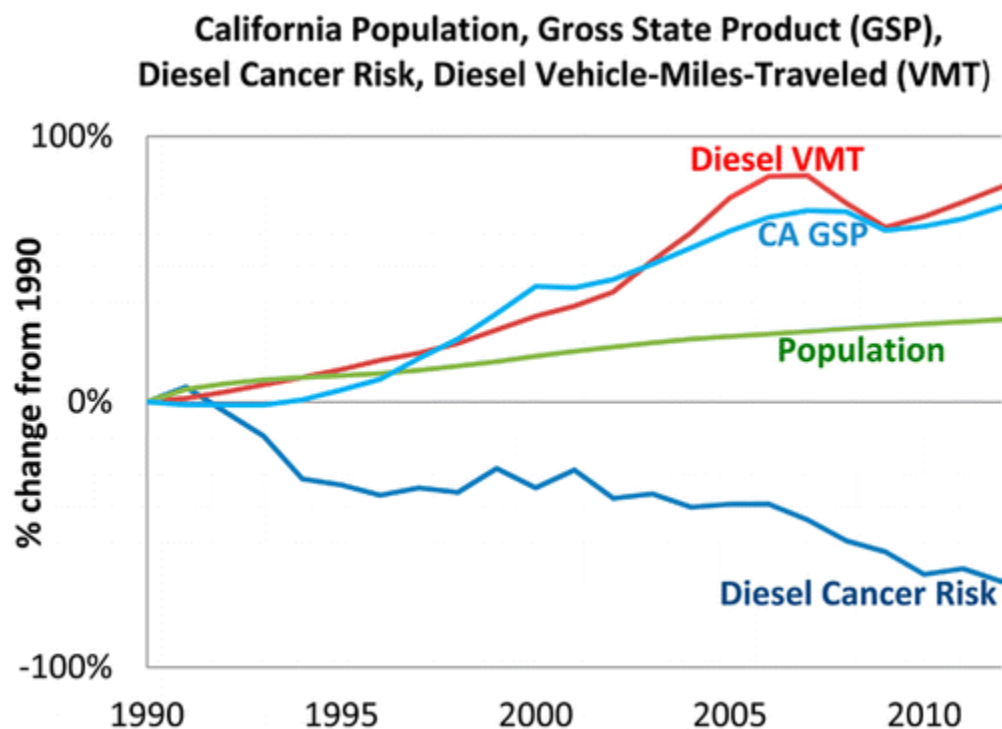
**Table 2-7: South Coast Air Basin Carbon Monoxide Trend**



**Table 2-8: South Coast Air Basin Nitrogen Dioxide Trend**



Similar to the reductions achieved in ozone, NO<sub>x</sub>, VOC, particulate matter 10 microns or less in diameter (PM<sub>10</sub>), particulate matter 2.5 microns or less in diameter (PM<sub>2.5</sub>), and carbon monoxide (CO), there has been substantial improvement and reductions in TACs and associated cancer risk even as substantial growth and an increase in vehicle miles traveled has occurred. As shown in Exhibit 2-B in Appendix F of the 2<sup>nd</sup> RDEIR, diesel cancer risk has steadily declined even as there has been an increase in population and diesel vehicle miles traveled.

**Exhibit 2-B. Diesel Particulate Matter and Diesel Vehicle Miles Trend**

Source: California Air Resources Board

As summarized in Appendix F of the 2<sup>nd</sup> RDEIR, based on information available from CARB, overall cancer risk throughout the basin has had a declining trend since 1990. In 1998, following an exhaustive 10-year scientific assessment process, CARB identified particulate matter from diesel-fueled engines as a TAC. The SCAQMD initiated a comprehensive urban toxic air pollution study, called MATES-II (for Multiple Air Toxics Exposure Study). DPM accounts for more than 70 percent of the cancer risk.

In 2008, the SCAQMD prepared an update to the MATES-II study, referred to as MATES-III. MATES-III estimates the average excess cancer risk level from exposure to TACs is an approximately 17 percent decrease in comparison to the MATES-II study.

Nonetheless, the SCAQMD's most recent in-depth analysis of the TACs and their resulting health risks for all Southern California was from the MATES IV, which shows that cancer risk has decreased more than 55 percent between MATES III (2005) and MATES IV (2012) Studies.

The reductions in air quality and cancer risk impacts are attributable primarily to existing regulatory requirements and uniform CEQA review by SCAQMD, which results in all projects that require a discretionary action implementing mitigation measures where necessary. SCAQMD's thresholds of significance properly analyze both direct and cumulative impacts and the drastic improvements in air quality over the past several decades indicate that the SCAQMD's implementation of uniform CEQA review is working.

## Response to Comment EEJG-8

The commenter is incorrect. The 2<sup>nd</sup> RDEIR explicitly states that the project would have a significant and unavoidable impact with respect to Impact AQ-1. Conflict with or obstruct implementation of the applicable air quality plan. Contrary to the commenter's claim, the 2<sup>nd</sup> RDEIR actually states what the commenter is requesting. The commenter provides no rational basis for the statement that a project must ensure compliance with an applicable AQMP. In fact, CEQA specifically provides lead agencies with the authority to approve projects even if one or more significant unavoidable impacts would occur, provided appropriate findings are made and a statement of overriding considerations is adopted.

## Response to Comment EEJG-9

Comment EEJG-9 mischaracterizes the discussion set forth in the 2<sup>nd</sup> Recirculated Draft EIR and attempts to establish a heretofore unknown CEQA requirement. The comment asserts that the EIR "must provide substantial evidence that the cumulative development in the South Coast Air Basin will not exceed the projections underlying those plans." However, while CEQA requires that conclusions be supported by substantial evidence, there is no such requirement that the cumulative impact analysis of a single project must demonstrate that "cumulative development in the South Coast Air Basin will not exceed the projections." No single project anywhere in the basin could provide such a demonstration in a cumulative air quality analysis since projects are routinely proposed that exceed the growth projections of a previously approved air quality management plan.

On page 6-15, the 2<sup>nd</sup> Recirculated Draft EIR explicitly recognizes that some of the cumulative projects include one or more of the following land use actions that could result in exceeding regional growth projections and affect an individual project's consistency with the SCAQMD AQMP: specific plan, general plan amendment, or rezoning<sup>2</sup>. Thus, the EIR concludes that the cumulative projects addressed in the document will exceed regional growth projections, and are therefore inconsistent with the SCAQMD AQMP. The 2<sup>nd</sup> Recirculated Draft EIR also recognizes that these inconsistencies would be temporary since the AQMP is updated on a triennial basis, and any projects that would be approved subsequent to the last AQMP update would be incorporated into the growth projections utilized for the new update.

## Response to Comment EEJG-10

This comment is unfounded, the 2<sup>nd</sup> RDEIR includes a detailed air quality and HRA. More specifically, the 2<sup>nd</sup> RDEIR includes a localized air pollutant evaluation consistent with SCAQMD requirements for emissions of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Additionally, the 2<sup>nd</sup> RDEIR includes a robust HRA from diesel exhaust resulting from trucks accessing the project. Both the localized air pollutant evaluation and HRA identify potential health risks to adjacent uses and determine that impacts would be less than significant.

As stated on page 4.2.2-14 of the 2<sup>nd</sup> RDEIR, "analysis of localized significance thresholds using dispersion modeling was conducted using project-specific information pertaining to construction

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<sup>2</sup> The list of 92 cumulative projects set forth in the 2<sup>nd</sup> Recirculated Draft EIR was prepared based on information assembled from the cities of Fontana, Jurupa Valley, Rialto, Riverside, Colton and San Bernardino, as well as from the County of San Bernardino. While information was submitted on the amount of types of development proposed for each project, very little, if any, information was provided in relation to the types of permits being sought and whether projects were consistent with current growth projections.

and operational activities at the project site.” The modeling was conducted utilizing the SCAQMD-approved AERMOD dispersion model. The EIR’s modeling approach is detailed in the Air Quality Impact Analysis for the WVLCSP (Appendix F) and is summarized starting on page 4.2.2-22 of the 2<sup>nd</sup> RDEIR. Thus, both the localized and HRA analyses are based on dispersion modeling which accounts for geospatial locations and particle dispersion from the source to receptor location.

### **Response to Comment EEJG-11**

See Response to Comment EEJG-10.

### **Response to Comment EEJG-12**

The 2<sup>nd</sup> RDEIR includes a detailed construction analysis for air quality. The analysis conservatively assumes the placement of receptors adjacent to the project site. This information is available in the 2<sup>nd</sup> RDEIR for the commenter and general public to review.

### **Response to Comment EEJG-13**

A site-specific HRA has been prepared for the project. As shown, in the 2<sup>nd</sup> RDEIR, the project would not pose a significant health risk associated with DPM to sensitive receptors in the project vicinity. Further see Response to Comment EEJG-7 for a discussion on regional air quality and toxic improvements in the air basin.

### **Response to Comment EEJG-14**

This comment is incorrect, the 2<sup>nd</sup> RDEIR explicitly includes how this calculation was derived as discussed on page 4.2.2-18. As discussed, the project trip generation includes 2,432 truck trip-ends per day based on the project’s TIA. Further, pages 4.2.15-26 through 4.2.15-27 includes a detailed summary of how the truck trips are calculated.

### **Response to Comment EEJG-15**

This comment is incorrect, the commenter is referred to pages 4.2.15-26 through 4.2.15-27 as well as Tables 4-1 and 4-2 of Appendix L, TIA, which support the truck percentages used in the air quality, GHG, and HRA modeling.

As explained therein, the City presented trip generation rates based on passenger equivalent rates, in accordance with the City’s traffic study guidelines. In the analysis, the City used trip generation rates collected by the ITE, as presented in the *Trip Generation Manual*, 9<sup>th</sup> Edition, 2012. The City’s analyses were also depicted in Tables 4.1, 4.2, and 4.3.

Furthermore, the City used the ITE land use codes and vehicle mixes to develop trip generation rates for the warehouse portion of the project (Buildings 4 and 6) and the high cube warehousing portion of the project (Buildings 1, 2, 3, 5 and 7).

Also, as mentioned by the commenter, the City, on pages 43-44 of the *Air Quality Impact Analysis* (Appendix F), further discussed its choice of methodology and explained that it was based on and consistent with the SCAQMD’s recommendations regarding fleet mix data (Appendix F, pp. 43-44). The attachments in Appendix A indicate the basis for the truck mix and axle types used in the project traffic analysis.

Additionally, it should be noted that the Final EIR includes supplemental analysis utilizing the latest version of *ITE Trip Generation Manual* (10<sup>th</sup> edition) that was released after the technical studies for the 2<sup>nd</sup> RDEIR were prepared. It should be noted that the project would not result in any new impacts beyond those that have already been disclosed in the 2<sup>nd</sup> RDEIR with the use of the ITE 9<sup>th</sup> edition trip generation rates.

Lastly, the project proposes a design to accommodate warehouse building occupants. CEQA requires that an EIR evaluate the proposed project based on reasonable assumptions and foreseeable actions. The number of truck trips that the project is expected to generate is based on ITE and SCAQMD recommendations, which rely on surveyed data from other warehouse uses, which is reasonable and reliable information. The comment does not present any evidence that truck trips associated with the project would be greater than disclosed in the 2<sup>nd</sup> RDEIR. Instituting a cap on the number of trucks that can access the project's building is not required under CEQA, nor would it be feasible for the City of Fontana to monitor and enforce such a requirement. The 2<sup>nd</sup> RDEIR has made reasonable assumptions based on substantial evidence by using ITE and SCAQMD recommendations based on the project's design and expected occupant type. For this reason, the City rejects the recommendation to impose and enforce a numerical cap on the number of trucks that the project attracts during its operation.

See also Response to Comment EEJG-18.

## Response to Comment EEJG-16

This comment is incorrect. Appendix G, *Mobile Source Diesel Health Risk Assessment*, includes a robust discussion on the substantial evidence to support the 1,000-foot radius. This information is provided in Section 2.7.3 of Appendix G and is restated here for clarity:

“Proximity to sources of toxics is critical to determining the impact. In traffic-related studies, the additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70-percent drop-off in particulate pollution levels at 500 feet. Based on ARB and SCAQMD emissions and modeling analyses, an 80-percent drop-off in pollutant concentrations is expected at approximately 1,000 feet from a distribution center.

The 1,000-foot evaluation distance is supported by research-based findings concerning TAC emission dispersion rates from roadways and large sources showing that emissions diminish substantially between 500 and 1,000 feet from emission sources.

For assessing the cumulative impacts of a new source of TAC emissions associated with a project in combination with existing sources and probable future sources, a project radius is necessary. Assessment of impacts from existing sources within 1,000 feet of the new source in combination with risks and hazards from the new source is recommended. Then, once the location of the maximally impacted receptor is identified for the project, cumulative impacts from other sources within the radius of the project (i.e., not the receptor) are assessed at that location. Assessments should sum individual hazards or risks to find the cumulative impact at the location of the maximally impacted receptor from the new source.

Lastly, the Waters Bill (AB 3205) (H&SC Section, 42301.6 through 42301.9) addresses sources of hazardous air pollutants near schools and although not directly applicable to this project, this bill further evidences the propriety of considering hazardous emissions sources within a defined 1,000-foot radius. That is, pursuant to the Waters Bill, prior to approving an application for a permit to construct or modify a source which emits hazardous air emissions (i.e. DPM), which source is located within 1,000 feet from the outer boundary of a school site, the air pollution control officer shall

prepare a public notice in which the proposed project or modification for which the application for a permit is made is fully described.

For purposes of this assessment, a one-quarter mile radius or 1,320 feet geographic scope is utilized for determining potential cumulative impacts. This radius is more robust than and provides a more health protective scenario for evaluation than the 1,000-foot impact radius identified above.”

### **Response to Comment EEJG-17**

Rather than discuss or recommend one or more specific mitigation measures, the commenter instead generally concludes that the 2<sup>nd</sup> RDEIR fails to “disclose and analyze many feasible mitigation measures.” Instead of providing a discussion of specific mitigation measures the commenter believes should have been proposed and why they would be feasible, the commenter submitted hundreds of documents that allegedly relate to other feasible mitigation measures. A commenter cannot raise an issue by submitting and citing to large stacks of documents (see *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 527-279).

Furthermore, local agencies do not need to adopt every proposed mitigation scheme presented in public comments (see, e.g., *A Local & Regional Monitor v. City of Los Angeles*, 12 Cal.App.4th 1773, 1809). Here, instead of proposing allegedly feasible mitigation measures, the commenter instead submitted hundreds of documents which are of no value unless supplemented by comments which direct the City to a proposed mitigation measure, the feasibility of the proposed mitigation measure, and whether or not the City has the ability to implement the proposed mitigation measure.

### **Response to Comment EEJG-18**

The commenter alleges that the 2<sup>nd</sup> RDEIR must be recirculated with an analysis of impacts if the project were to implement a restriction on the number of operational trucks or the distances that trucks could travel to and from the project site. However, CEQA does not require that such an analysis be completed, and recirculation is not required.

By limiting the number of operational trucks or distances that trucks could travel to or from the project site to reduce significant daily air pollutant or GHG emissions, warehouse businesses would be unable to utilize the full capacity of their building, unable to meet peak seasonal demands, and potentially be unable to meet even the normal ups and downs of economic cycles. It could also require certain businesses that receive and ship goods both short and long distances to maintain a second facility that would be permitted to ship and receive goods over long distances, dedicating the facility within the West Valley Logistics Center to receiving and shipping only distances within the distance cap imposed on the project. While such limitations may or may not rise to meet the definition of “economic infeasibility” for the project or future businesses within the project site, it does raise the very real possibility that any prudent business person would not elect to impose such restrictions on their business if an alternative site without such limitations were available in the market place.

CEQA requires an EIR to reflect a good faith effort at full disclosure; it does not mandate perfection, nor does it require an analysis to be exhaustive. The EIR provides a good faith reasoned analysis of the potential impacts of anticipated truck trips and substantial evidence supporting such. CEQA does not require that an EIR guarantee outcomes.

## Response to Comment EEJG-19

It is not feasible for the project applicant to require trucking companies that will be traveling to and from the project to swap out all of its existing truck fleets for new electric truck fleets, prior to being able to access the project, particularly given the limited availability of such vehicles. Just because electric trucks are starting to become available in the marketplace does not mean that the trucking companies are swapping out their fleets to use those trucks on a regular basis or are yet able to afford those trucks.

A January 2018 article by the Environmental Defense Fund's Corporate Partnerships program (<https://www.edf.org/blog/2018/01/04/how-electric-trucks-could-disrupt-highway-transport-and-save-businesses-billions>) discusses the implications of electric trucks for the logistics industry. The article was prompted by United Parcel Service's pre-order for 125 Tesla electric trucks. The article notes that Tesla currently projects production of these electric trucks to commence sometime in 2019. While the Tesla truck will have a reported range of 200-300 miles, the Environmental Defense Fund article notes that "Most electric truck announcements so far have been for urban or regional vehicle use where buses and delivery trucks don't need to drive very far and follow predictable driving patterns in areas with charging stations."

In addition to the Tesla truck, the Environmental Defense Fund article identifies the following electric truck manufacturers:

- Cummins, which has [announced](#) an [electric semi-truck tractor](#) scheduled for production by 2019. It is designed for buses, delivery vehicles, and drayage duty trucks with a range of 100 miles.
- Daimler has recently [launched](#) a fleet of [urban delivery trucks](#) in New York City with a 60-mile range set for scaled production in 2019. Daimler is also "expected to unveil a larger class 7 electric truck.
- New Flyer, BYD, and Proterra are all taking orders for electric buses.
- Nikola is readying a zero-emission [fuel-cell-powered truck](#) for production by 2021.

In addition to these truck identified in the Environmental Defense Fund article, the Port of Los Angeles and SCAQMD have demonstrated a short-range heavy-duty all-electric truck capable of hauling a fully loaded 40-foot cargo container between 30 and 60 miles.

The Smith Newton is a fully truck that can be used for various commercial logistics hauling airports. This is among the largest battery-electric-powered commercial trucks available on today's market with sufficient power to a maximum payload of up to 16,280 pounds. The Smith Newton can hit a maximum speed of 50 miles per hour. Navistar International and Volkswagen AG hope to launch a smaller, electric medium-duty truck by late 2019.

Thus, the City has determined that electric trucks are not readily available at present and it is unclear as to when there would be a sufficient electric trucks and availability to warrant requirements for provision of charging infrastructure for trucks within the project site. The commenter cites no authority to support its speculative statement that "electric trucks will likely be in frequent use in Southern California by the time construction is complete."

## Response to Comment EEJG-20

The commenter alleges that certain, unspecified air quality mitigation measures are “vague, deferred, and/or unenforceable.” However, the commenter only discusses the following three mitigation measures: MM AQ-4, AQ-6, and AQ-7.

MM AQ-4 states that, “The Construction Contractor shall require by contract specifications that construction operations rely on the electrical infrastructure surrounding the construction site, if available, rather than electrical generators powered by internal combustion engines.”

The commenter alleges that MM AQ-4 is unclear with regard to how contractors will determine whether on-site electricity is “available” for use. The use of the electrical infrastructure referenced in MM AQ-4 will require the use of a power cord. Thus, the electrical infrastructure will be “available” for use during construction if the machines being used during construction can be connected thereto. Due to the size of the project site, some areas, particularly in the western portion of the site away from Jurupa Avenue and Locust Avenue/Armstrong Street where electricity is currently available, may be unable to connect to existing electrical infrastructure adjacent the site’s boundaries. In such circumstances, electrical infrastructure would be deemed unavailable.

MM AQ-6 states that all construction equipment “shall” be “maintained in good operational condition so as to reduce emissions.” The commenter takes issue with MM AQ-6 because “such equipment should be properly maintained anyway.” Although the City agrees with the commenter’s statement, failure to include such a measure could be used by a commenter to argue that the City did not care whether construction equipment used on site was being properly maintained. Thus, the City has included AQ-6 as an additional method through which the City can ensure that emissions are reduced. MM AQ-6 also requires that maintenance records shall be available at the construction site for City verification.

The commenter notes that the term “low emission vehicle mobile construction equipment” is vague.

As shown in Chapter 3, the City will revise Mitigation Measure AQ-7, to incorporate the performance standards contained in Mitigation Measure AQ-2 concerning construction equipment so that it reads as follows:

**Mitigation Measure AQ-7: Submit Construction Plans.** Prior to the issuance of any grading permits, the applicant and/or building operators shall submit construction plans and a construction vehicle management plan to the City of Fontana denoting the proposed schedule and projected equipment use. The construction vehicle management plan will include such things as: specifying idling time requirements; requiring hour meters on equipment; and documenting the serial number, horsepower, age, and fuel of all on-site equipment.

The plan shall include that California state law requires equipment fleets to limit idling to no more than 5 minutes. Construction contractors shall provide evidence that the standards contained in Mitigation Measure AQ-2 are met concerning non-road construction equipment greater than 50 horsepower to ensure low emission mobile construction equipment will be utilized, ~~or that its use was investigated and found to be infeasible for the project as determined by the City of Fontana.~~ Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City of Fontana Community Development Planning Staff.



The City agrees that a portion of MM AQ-7 requires compliance with State law but has required these requirements to be included in a construction vehicle management plan, to enhance the City's ability to further ensure compliance.

### Response to Comment EEJG-21

MM AQ-10 proposes to require that trucks incorporate U.S. Environmental Protection Agency (EPA) SmartWay features. The commenter takes issue with MM AQ-10 because "MM AQ-10 does nothing more than restate current law." Although the City agrees with the commenter's statement, the City has included AQ-10 as an additional method through which the City can ensure that emissions are reduced.

### Response to Comment EEJG-22

As shown in Chapter 3, the City will revise Mitigation Measure AQ-10 is revised to read as follows:

**Mitigation Measure AQ-10: Incorporate EPA SmartWay Features.** The City shall require operators of the project to ensure that ~~haul~~ heavy-duty trucks incorporate EPA SmartWay features, as required by ~~CARB law~~. project operators shall maintain a daily log of incoming and outgoing haul trucks ~~that~~ documenting that heavy-duty trucks are fitted with compliant the combination of aerodynamic kits and low rolling resistance tires to reduce aerodynamic drag and tire rolling resistance forces, thereby reducing fuel consumption and resulting GHG emissions by approximately 4%–5% as identified in the regulation.

### Response to Comment EEJG-23

As shown in Chapter 3, the City will revise Mitigation Measure AQ-14 so that it reads as follows:

**Mitigation Measure AQ-14: Provide Ridesharing and Transit Incentives.** The project will reduce vehicle miles traveled and emissions associated with trucks and vehicles by implementing the following measures:

- Pedestrian and bicycle connections, including sidewalks, bicycle lanes, and trails shall be provided to surrounding areas in accordance with City requirements and policies for pedestrian and bicycle facilities set forth in ~~consistent with~~ the City's Municipal Code and General Plan.
- Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall establish and coordinate a carpooling program, including traditional carpooling as well as web-based "car sharing"/"ride sharing"; and reserve car sharing vehicles. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees including subsidizing use of transit by employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pick-up time. The TMA shall distribute public transportation information to project site employees. The TMA shall provide message board space and web-based page for coordination rides.
- Preferential parking for carpools and vanpools shall be provided on each warehouse site.

## Response to Comment EEJG-24

There is no data available in the scientific literature, and there are no current studies, regulatory guidelines, or standard methods for evaluating wildlife or special status species exposed to DPM emissions or any other emissions. Therefore, any discussion of this issue would be speculative and therefore not appropriate for inclusion in a CEQA analysis. However, the 2<sup>nd</sup> RDEIR addresses air quality impacts on humans. This analysis and its conclusions are included in a HRA that addresses buildout and operation of the proposed Specific Plan. HRA guidelines and methodologies are well-established and utilize very conservative assumptions and calculations and the highest standards of evaluation because the target species are human beings. The HRA that concludes no significant impacts associated with DPM would occur as a result of the proposed project. In addition, by establishing avian habitat on rooftops as proposed in the Specific Plan, birds would be less likely to be struck by vehicles after development occurs, compared to existing conditions due the proposed grade-separated habitat. Furthermore, the 55-acre habitat conservation area set aside as part of the proposed Specific Plan is not located adjacent to any of the truck routes that would be utilized when the project is built out and fully operational, removing the potential for animal-vehicle collisions and direct exposure to emissions for special status bird species or any other animals present in the conservation area.

## Response to Comment EEJG-25

As stated in the 2<sup>nd</sup> RDEIR, the threshold of significance regarding cancer risk from emissions of TACs is whether implementation of the proposed project would result in exposure of sensitive receptors to a substantial incremental increase in emissions of TACs that exceed 10 in 1 million for the carcinogenic risk (i.e., the risk of contracting cancer) for the maximally exposed individual, as recommended by the SCAQMD's CEQA Air Quality Handbook (1993). SCAQMD has determined that this threshold of significance be based on the incremental increase in cancer risk exposure resulting from project-related TAC emissions because it has determined that any incremental increase greater than 10 in one million could conflict with plans and programs to reduce diesel risk exposure in the air basin. As stated in the HRA (Appendix G of 2<sup>nd</sup> RDEIR), the SCAQMD has conducted an in-depth analysis of the TACs and their resulting health risks for all of Southern California, and as a result has been able to estimate an excess cancer risk of 730.04 in one million in the project region. DPM accounts for 68 percent of the total risk shown in the Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES IV (2015). This study, shows that cancer risk has decreased 68 percent between MATES III (2008) and MATES IV (2015) even though the state's population has increased 31 percent and the amount of vehicle miles traveled has increased 81 percent over this time (see 2<sup>nd</sup> RDEIR Appendix F, page 34 and Response to Comment EEJG-7, above).

Further, the SCAQMD also issued supplemental guidance in 2003 on how to determine cumulative impacts, the SCAQMD guidance document states the following:

“...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR...”

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.”

The quoted text is found on page D-3 of the SCAQMD Guidance/White Paper, Appendix A: Background section. The report is in fact available on the SCAQMD's website at the following

address: <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>

In summary, steady progress has been made in reducing health risk exposure associated with DPM emissions and continued progress is expected. Therefore, SCAQMD's recommended threshold of significance, which focuses on the incremental increase in the level of cancer risk that would result from an individual project, is used to determine whether the risk levels resulting from an individual project should be regarded as cumulatively considerable. This is why the 2<sup>nd</sup> RDEIR applies the "incremental increase threshold of significance" to make its significance conclusion in both the project level analysis and the cumulative impact analysis.

Lastly, it shall be noted that the incremental increase threshold of significance has been used to analyze multiple projects in the SCAQMD's jurisdiction and in other air basins throughout the state for many years.

It should be noted that the 10 in one million standard is a very health-protective significance threshold. A risk level of 10 in one million implies a likelihood that up to 10 persons, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer that is in addition to any cancer risk borne by a person not exposed to these air toxics. To put this risk in perspective, the risk of dying from accidental drowning is 1,000 in a million, which is 100 times more than the SCAQMD's threshold of 10 in one million

In addition, as set forth above in Response to Comment EEJG-7, DPM emissions and cancer deaths have dramatically decreased at the same time tremendous development, as well as economic and population growth has occurred in Southern California. This evidences that (1) uniform CEQA review and (2) application of the single standard threshold of significance have been important tools in the overall reduction of DPM and related cancer risks. Thus, the City and its experts disagree with the assertions made by the commentator.

This comment also seems to suggest that any increase in incremental cancer risk equates to a significant cumulative impact. CEQA case law has rejected that argument finding that "the 'one [additional] molecule rule' is not the law" (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 120).

As such, contrary to the commenters claim, the 2<sup>nd</sup> RDEIR provides the requisite background cancer risk for the project area and correctly evaluates the project's incremental cancer risk from DPM and correctly identifies a less than cumulatively considerable contribution consistent with available guidance from the expert air agency (SCAQMD).

## Response to Comment EEJG-26

The commenter incorrectly states that the City must analyze the project's consistency with Executive Order S-3-05. As explained in the 2<sup>nd</sup> RDEIR, the California Supreme Court in 2017 published its opinion in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 and held that the lead agency did not violate CEQA by deciding not to analyze the project's consistency with Executive Order S-3-05. It is noteworthy that the project at issue in the case was a regional transportation plan, which is far greater in scope than the subject project.

In the 2<sup>nd</sup> RDEIR, the City explained that the reduction targets of Executive Order S-3-05 have not yet been codified. More importantly, however, the City also explained that CARB has not provided any guidance as to how local agencies will analyze consistency with the 2050 reduction target discussed in Executive Order S-3-05. In fact, CARB only recently issued its guidance with regard to the 2030 reduction targets required by Senate Bill 32, which has been codified. Discussion of the project's consistency with Senate Bill 32 is addressed in the 2<sup>nd</sup> RDEIR in the analysis of Impact GHG-2, starting on page 4.2.7-43.

## Response to Comment EEJG-27

The commenter concludes that the 2<sup>nd</sup> RDEIR “does not adopt all feasible mitigation measures.” However, the commenter does not provide a discussion of any proposed mitigation measures or an explanation of why the mitigation measures would be feasible. It is the commenter's burden to discuss why a mitigation measure it is proposing would be feasible. (*See Defend the Bay v. City of Irvine* (2010) 119 Cal.App.4th 1261, 1266 [“As with all substantial evidence challenges, an appellant challenging an EIR for insufficient evidence must lay out the evidence favorable to the other side and show why it is lacking. Failure to do so is fatal. A reviewing court will not independently review the record to make up for appellant's failure to carry his burden.”])

The potential threat that climate change poses to the State is discussed in the 2<sup>nd</sup> RDEIR on pages 4.2.7-6 and 4.2.7-7.

The commenter also cites Section 12126.4(a)(1)(A) of the CEQA Guidelines; however, the Guidelines begin at section 15000 of Title 14 of the California Code of Regulations. Assuming that the commenter meant to reference section 15126.4(a)(1)(A) of the CEQA Guidelines, the commenter has misstated what this section says. This section states that an EIR must distinguish between “mitigation measures” and “other measures,” such as conditions of approval, project design features, or, as seen in the 2<sup>nd</sup> RDEIR, specific plan requirements and Standard Requirements. The 2<sup>nd</sup> RDEIR complies with section 15126.4(a)(1)(A) and distinguishes between “mitigation measures” and “other measures,” including Specific Plan Requirements, Regulatory Requirements, and Standard Requirements. Section 15126.4(a)(1)(A) does not require the inclusion of any specific discussion in an EIR of “which measures were proposed by the project proponent and which are proposed by the lead agency.”

The commenter alleges that the “RDEIR conflates ‘specific plan requirements’ with CEQA project mitigation measures” and states that “this is unlawful under CEQA.” Such an assertion mischaracterizes the 2<sup>nd</sup> RDEIR. Specific Plan requirements include actions proposed by the project proponent that are part of the proposed project and intended to avoid or reduce the environmental effects of the project. In analyzing the project, the 2<sup>nd</sup> RDEIR acknowledges these project design features in determining whether a significant impact would result, and mitigation measures would need to be imposed by the City. Thus, on the one hand, the commenter alleges that the 2<sup>nd</sup> RDEIR violates CEQA because it does not identify “which measures were proposed by the project proponent and which are proposed by the lead agency,” and then faults the EIR for distinguishing between (1) Specific Plan requirements proposed by the project proponent and (2) mitigation measures proposed by the lead agency.

In stating that the specific plan requirements “merely restate existing laws, regulations, or rules,” the commenter again mischaracterizes the 2<sup>nd</sup> RDEIR. Whereas Specific Plan Requirements are measures proposed by the project proponent as part of the project, it is the EIR's Regulatory

Requirements that restate existing laws, regulations, and rules. However, the commenter has not provided any authority or reasoning to substantiate its conclusory statement that such discussion is somehow “unlawful.” As seen in the 2<sup>nd</sup> RDEIR, the City specifically refers to and discusses the specific plan requirements in Section 3.6 of the Project Description titled *Project Design Features* and then list relevant project design features in a subsection titled *Specific Plan Requirements, Regulatory Requirements, and Standard Requirements* for each environmental topic analyzed in Chapter 4, *Environmental Analysis of the Proposed Project*. The City does not characterize the specific plan requirements as “mitigation measures,” which are discussed separately throughout the 2<sup>nd</sup> RDEIR and clearly labeled as “Mitigation Measures.”

As explained in the 2<sup>nd</sup> RDEIR, Specific Plan Requirements will be included in the MMRP to ensure compliance (2<sup>nd</sup> RDEIR, Sections 3.5 and 3.6, p. 3-21, et seq.).

### **Response to Comment EEJG-28**

See Response to Comment EEJG-27.

### **Response to Comment EEJG-29**

The commenter takes issue with the City’s inclusion of “Standard Requirements” in the 2<sup>nd</sup> RDEIR and says that “There is no such thing in CEQA as a ‘standard requirement.’” CEQA provides lead agencies with discretion as to the preparation and presentation of information in an EIR. Here, the City has chosen to include several requirements, which it has referred to as “Standard Requirements” because it is standard practice for the City to impose these requirements on projects (2<sup>nd</sup> RDEIR, Section 3.6, p. 3-22).

As explained in the 2<sup>nd</sup> RDEIR, Standard Requirements SR-GHG-1, SR-GHG-2, and SR-GHG-3 will be included in the MMRP to ensure compliance (2<sup>nd</sup> RDEIR, Sections 3.5 and 3.6, p. 3-21, et seq.). CEQA has no prohibitions against utilization of “standard requirements” or “project design features,” which are distinct from “mitigation measures” in that “project design features” are part of the project and “standard requirements” represent City requirements imposed on all projects, both of which are being required to be implemented regardless of whether the project’s impacts are determined to be significant or not.

### **Response to Comment EEJG-30**

As noted in Response to Comment BC-2, the majority of GHG emissions from the project are a result of trucks accessing the project site. Notwithstanding, the project does include sustainability features that would include Ridesharing and Transit and encouragement of bicycle use as discussed on page 3-17 of the 2<sup>nd</sup> RDEIR. As such, the project already includes some of the recommended measures such as:

- All buildings shall comply with the provisions of Development Code Article XIV, Transportation Demand Management and Trip Reduction Requirements.
- Building operators would participate in a Property Owners’ Association that would support and encourage ridesharing and transit incentives for the employees by providing resources to organize rideshares, such as bulletin boards or email announcements.
- The construction contractor would also fully or partially subsidize transit fares or passes for the construction crew members who can feasibly use transit.

- All streets within the Specific Plan area would be constructed as Class III bicycle routes.
- All buildings would provide bicycle racks/storage, along with showers and changing rooms for employees.

All feasible and applicable mitigation measures listed in the Energy, Water, and Transportation sections (as shown in Chart 6-1 and Chart 6-2 of the California Air Pollution Control Officers Association's (CAPCOA's) Quantifying Greenhouse Gas Mitigation Measures) have been applied to the analysis. However, these measures are aimed at reducing GHG emissions and implementation of these measures would not avoid or substantially lessen mobile source NO<sub>x</sub> emissions attributable to the project. Features such as limiting parking supply, pricing workplace parking, or bike sharing programs are more applicable to higher intensity mixed use development and office complexes in areas with more robust transit than typically exists in a lower intensity area such as the project.

In addition, as shown in Chapter 3, Mitigation Measure GHG-1 is revised to read as follows:

**Mitigation Measure GHG-1: Provide Solar-Ready Installations on Roofs:** All buildings shall be designed to be "solar ready" to facilitate the future installation of provide rooftop solar energy systems except in rooftop areas where avian habitat feature areas will be created using rooftop plantings of Riversidean sage scrub (RSS) habitat plant species to create vegetative substrate that could facilitate avian species' access east-west dispersal between to the proposed 55.23-acre on-site RSS conservation area and nearby undeveloped RSS habitats.

As shown in Chapter 3, Specific Plan Requirement SP-AQ-3 is revised to read as follows:

SP-AQ-3: ~~Request~~ Require Contractors and Building Operators to Use 2010 Model Year or Particulate Matter Traps ~~on~~ for All On-road Heavy-Duty Diesel Trucks. The project will ~~request~~ require contractors and building operators (by contract specifications) ~~that to utilize~~ on-road heavy-duty diesel trucks ~~with a gross vehicle weight rating greater than 14,000 pounds have~~ having a 2010 model year engine or newer ~~or are~~ equipped with a particulate matter trap, ~~as available.~~

## Response to Comment EEJG-31

The City of Fontana has never adopted a mitigation measure requiring off-site mitigation or the purchase of GHG offsets. Based on its research, the City has concluded that adjacent jurisdictions within San Bernardino and Riverside County have also never adopted such mitigation requirements.

The City's research indicates the purchase of credits does little to mitigate GHG impacts, especially at a local level. In addition, use of off-site mitigation would be complex to implement and difficult to quantify and monitor. The City does not find such mitigation to be feasible or necessary. Mitigation in the form of (1) requiring installation of solar panels (as opposed to solar-ready roofs) and (2) requiring the project to utilize 2010 trucks would be feasible and provide greater benefits.

## Response to Comment EEJG-32

The 2<sup>nd</sup> RDEIR states that the project site is positioned between currently undeveloped lands in the Jurupa Hills and Rattlesnake Mountain and that the site is subject to human disturbance including HOV use and illegal dumping. The existing condition of the site does not support sufficient vegetative cover to accommodate migratory movement across the site by avian species and mammal species and there are no established migratory corridors on the project site in its current condition.

However, the Specific Plan proposes a project design feature that would create rooftop avian habitat providing grade-separated, vegetated features easily observed and accessed from either the Jurupa Hills or Rattlesnake Mountain as the undeveloped lands there occur upslope from the Specific Plan area. Therefore, potential future avian movement across the site that does not now occur would be facilitated by development of the Specific Plan area, which would improve avian use of the site to gain access to adjacent undeveloped lands compared to existing conditions.

Common wildlife species such as skunks and raccoons may utilize the site to gain access to and from adjacent developed areas where food sources occur. This localized wildlife movement is discussed in the 2<sup>nd</sup> RDEIR, but the physical change proposed at the site, even if it results in interrupting common wildlife species' movement would not constitute a significant impact under CEQA.

### **Response to Comment EEJG-33**

As stated at the top of page 2.3.4-14, the term “focused surveys” is used in the 2<sup>nd</sup> RDEIR in place of the term “protocol surveys.” The term refers to the use of methodologies developed and approved by agencies with jurisdiction over the resources, including the USFWS or the California Department of Fish and Wildlife (CDFW). Focused surveys were conducted for the CAGN in 2014 during the appropriate period to detect breeding activity and the species and was not detected (Appendix D). The species was not observed during reconnaissance surveys of the development footprint and was not observed during reconnaissance surveys of the proposed 52-acre conservation area in 2016 and 2017. The 2<sup>nd</sup> RDEIR establishes a performance standard of no net loss of potential CAGN habitat and stipulates that protocol level pre-construction surveys must be conducted prior to initiating site grading in the development area; and prior to construction of protective fencing, habitat enhancement, habitat restoration; and prior to excavation of a 12-inch pipeline within the proposed 55-acre conservation area (MM BIO-1).

Since avian species are highly mobile and may colonize the site and use it for nesting in the interim between surveys conducted during EIR preparation and initiation of site construction, the performance standard and mitigation measures in the 2<sup>nd</sup> RDEIR ensure no net loss of potential nests that could occur should avian species colonize the site for nesting purposes in the interim between biological surveys and actual initiation of site development.

### **Response to Comment EEJG-34**

The area mapped as Critical Habitat for the CAGN is shown in Appendix D and is a reproduction of maps issued by the U.S. Fish and Wildlife Service (USFWS). However, parcels that fall within the area designated as Critical Habitat must also exhibit certain features in order to meet the definition of and be considered to be Critical Habitat, which is not simply based on the fact that a parcel falls within the boundary of a USFWS-mapped Critical Habitat area. For example, within the USFWS-mapped Critical Habitat, there are existing residential neighborhoods, roads, utilities, etc. Such areas do not meet the definition of Critical Habitat even though they occur within the USFWS-mapped Critical Habitat boundary because they do not have the physical or biological features that are essential to the survival and eventual recovery of that species (i.e., Primary Constituent Elements). The sage scrub and non-native grassland habitats within the project's development footprint lack the Primary Constituent Elements for CAGN. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not.

All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat.

It is also noted that the designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a Clean Water Act Permit from the U.S. Army Corps of Engineers). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS. There is no federal nexus for the proposed WVLCSP since there are no wetlands or other features subject to federal jurisdiction within the site.

The 2<sup>nd</sup> RDEIR addresses impacts on CAGN and proposes on-site conservation, restoration, enhancement, and maintenance of 55 acres of suitable CAGN habitat in perpetuity.

### **Response to Comment EEJG-35**

Mitigation Measure BIO-1 ensures that there would be no direct impacts on CAGN and other special-status species. The development area would result in the loss or disturbance of poor-quality sage scrub, and which currently does not provide habitat for CAGN. In addition, the areas within the USFWS-mapped Critical Habitat within the development area lack the Primary Constituent Elements required by CAGN. In addition, any potential impacts on suitable habitat within the conservation area would be replaced (Mitigation Measure BIO-3). Therefore, impacts on special status species would be reduced to a level that is considered less than significant. RSS in the proposed conservation area has the potential to support the protected bird species, six rare plants, and the San Diego Black-tailed jackrabbit, a Species of Concern in portions of its limited distribution. Implementation of Mitigation Measure BIO-1 would ensure there are no impacts on these species and would reduce impacts to special status species to a level that is considered less than significant.

Loss of active burrowing owl nests would be considered a significant impact pursuant to CEQA. Burrowing owls have been directly observed on-site, but not nesting. Mitigation Measure BIO-1 in the 2<sup>nd</sup> RDEIR would ensure that there would be no direct impacts on burrowing owl.

### **Response to Comment EEJG-36**

The 2<sup>nd</sup> RDEIR establishes a performance standard that is stated as no loss of active bird nests. This includes burrowing owls. Focused surveys were not performed after the initial habitat assessment because no suitable burrows were found on site due to routine disking activities and ORV use of the project site. Only suitable habitat for foraging was present. However, during a reconnaissance survey in 2017, there was a direct observation of an individual of the species. The 2<sup>nd</sup> RDEIR ensures that the performance standard will be met by specifying CDFW protocols, procedures, and consultation that would be required if an active burrowing owl nest is identified on site during surveys of the site prior to the initiation of grading or any construction-related disturbance in either the development footprint or in the conservation area. Since avian species such as burrowing owls are highly mobile and may colonize the site and use it for nesting in the interim prior to initiation of site development, the performance standard and mitigation measures in the 2<sup>nd</sup> RDEIR are adequate to prevent loss of burrowing owl nests, and ensures no loss of potential nests that could occur



should additional owls colonize the site for nesting purposes in the interim between when project approvals occur and site development is initiated.

### Response to Comment EEJG-37

Page 4.2.3-11 of the 2<sup>nd</sup> RDEIR summarizes the habitat requirements for the Delhi Sands flower-loving fly as defined by the USFWS in the Recovery Plan pursuant to the Federal Endangered Species Act. As stated in the 2<sup>nd</sup> RDEIR, habitat requirements include open expanses of the Delhi fine sand soils mapped by the Natural Resources Conservation Service that have not been permanently disturbed by development or human activity. Although the development footprint for the Specific Plan falls within the area mapped by the Natural Resources Conservation Service as Delhi fine sand, the entirety of the development footprint has been heavily disturbed by previous agricultural activities, soil removal activities, recreational activities, and previous development. Therefore, consistent with USFWS definitions of suitable habitat, the Specific Plan area does not support suitable habitat for the Delhi Sands flower-loving fly. This conclusion is further supported by findings from three years of protocol-level surveys conducted between 2011 and 2013, which resulted in negative findings and are included in Appendix D of the 2<sup>nd</sup> RDEIR. Based on USFWS protocol standards, surveys over two consecutive years are sufficient to demonstrate species absence.

### Response to Comment EEJG-38

The commenter incorrectly alleges that “surveying for rare plants has not been completed.” Focused surveys for rare plants were completed in 2013, and are discussed in Section 4.2.3 of the 2<sup>nd</sup> RDEIR, *Biological Resources* (2<sup>nd</sup> RDEIR, pp. 4.2.3-1 – 4.2.3-17; see Appendix D for more information). The data collected during these surveys was used to develop Figures 4.2.3-1, 4.2.3-2, and 4.2.3-4.

The habitat-based analysis included in the 2<sup>nd</sup> RDEIR concludes that there are six rare plants with the potential to occur within the Specific Plan’s proposed 55-acre conservation area, based on the presence of suitable RSS habitat. However, outside of the proposed conservation area, the Specific Plan’s development footprint is heavily disturbed and would not support rare plants. The 2<sup>nd</sup> RDEIR includes mitigation measures to ensure no net loss and no impacts to rare plants in the conservation area that might occur during construction of perimeter fencing, construction of a 12-inch water pipeline, or as a result of habitat restoration and enhancement activities proposed to occur prior to grading and site preparation within the development footprint. Pre-construction surveys of proposed restoration areas, pipeline construction areas, and areas directly adjacent to where construction of perimeter fencing would occur, ensures that rare plants that may occur in the RSS in the conservation area would be avoided or replaced, and site development would result in no net loss of rare plants.

Furthermore, the mitigation measure the commenter refers to is included within MM BIO-1, which is intended to identify and protect any rare plant species that may occur within the conservation area at some point in the future, prior to construction. Mapping of these resources will ensure that the species can either be avoided if present or determine the population size that would need to be mitigated for in the restoration mitigation and monitoring program. The City has included this requirement as a mitigation measure because plant species not identified in a survey, may later inhabit a site due to presence of suitable habitat. In addition, the project applicant is setting aside more than 55 acres of the project site for the conservation of various types of species, including

plant species. See Response to Comment EEJG-40. The Draft EIR provides disclosure of the existing environmental conditions before project approval.

## Response to Comment EEJG-39

Mitigation Measure BIO-1 specifically relates to “Pre-Construction Focused Surveys” that will be required by the City immediately prior to construction activities at various areas of the project site. As explained in the 2<sup>nd</sup> RDEIR, if any special-status plants are identified during the pre-construction focused surveys, they will either be avoided, or a habitat mitigation plan specific to each individual species would be prepared, thus ensuring no net loss of the species, consistent with the performance standard established in the 2<sup>nd</sup> RDEIR.

This is not “deferred mitigation” under CEQA, as the commenter claims. Rather, it is a mitigation measure that imposes a duty to complete pre-construction focused surveys just prior to construction and requires the preparation of a Mitigation and Monitoring Program, depending on the results of the surveys. Moreover, deferred mitigation, under certain circumstances, is proper under CEQA. See *California Native Plant Soc. v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 622 expressly holding that an agency is entitled to rely on the results of a future study to fix the exact details of the implementation of the mitigation measures the agency identified in the EIR.

MM BIO-1 is a preventative measure that ensures no special-status plants exist on the site at the time actual grading and construction occur, and in the unlikely event that a special-status species not now present on the site is encountered at that time, an extensive plan to mitigate any impacts will be implemented. Naturally, the scope of any plan will vary significantly based on the extent of the occurrence of special-status plants on the site. As identified in *California Native Plant Society*, “[i]f the agency has identified one or more mitigation measures and has committed to mitigating the impact those measures address, then the principles forbidding deferral of mitigation are not implicated. See also *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261 upholding similar biological resources mitigation measures.

As discussed in Response to Comment EEJG-38, multiple surveys, including surveys for rare plants, have already been completed, in addition to those that will be completed prior to grading (2<sup>nd</sup> RDEIR, pp. 4.2.3-1 – 4.2.3-17; see Appendix D for more information).

Mitigation Measure BIO-1 is revised to read as follows:

**Mitigation Measure BIO-1: Pre-construction Focused Surveys of Proposed Conservation Area and Development Area to Confirm Absence of Special-Status Species.**

**Focused Survey for Coastal California Gnatcatcher within 300 feet of the Conservation Area Construction Fence.** A protocol-level focused survey for CAGN shall be conducted by a qualified ornithologist in the spring prior to project development to determine whether CAGN have colonized the RSS habitat within 300 feet of the location where the conservation area fencing will be installed.

If CAGN are found to occur within 300 feet of the conservation area construction fence line or water pipeline construction area, an avoidance buffer no less than 300 feet shall be established around the occupied nest(s). All work within 300 feet of the active nest will be prohibited until all young have fledged and the nest is confirmed by a qualified biologist to be no longer active. If avoidance is not feasible, consultation with USFWS will be necessary to determine whether an Individual Take Permit is required.

**Preconstruction Surveys within the Proposed Conservation Area for San Diego Black-tailed Jackrabbit.** At least 48 hours prior to initiation of water pipeline construction activities, the 5.2-acre construction area shall be surveyed to confirm the absence of San Diego black-tailed jackrabbits. If individuals of the species are observed within the construction footprint, their movements shall be monitored until it can be confirmed that each individual has left the pipeline construction area. After that, exclusion fencing shall be established to prevent individuals of the species from re-entering the construction area during construction.

**Pre-construction Survey within the Proposed Development Area for Western Burrowing Owl.** The project applicant shall retain a qualified biologist to conduct preconstruction surveys for burrowing owls no fewer than 14 days prior to any ground-disturbing activities, to be repeated 24 hours prior to grading. The preconstruction surveys shall be approved by the City of Fontana Director of Community Development and conducted in accordance with current survey protocols provided in the CDFW Staff Report on Burrowing Owl Mitigation (March 7, 2012). In the event a burrowing owl is found to be present on site during the preconstruction survey, the project applicant shall ensure that the applicable avoidance measures outlined in the CDFW Staff Report on Burrowing Owl Mitigation (March 7, 2012) are applied to the proposed project (e.g., avoid direct impacts to occupied burrows during nesting season). Any active avoidance measures during the breeding season must to be coordinated with CDFW.

**Pre-construction Nesting Bird Survey of the Proposed Development Area.** Nesting birds are protected pursuant to the MBTA and California Fish and Game Code. If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (January 1 to August 31), a pre-construction clearance survey for nesting birds shall be completed no more than 3 days prior to ground disturbance. This will ensure that no nesting birds adjacent to the construction area will be disturbed during construction. If nesting birds are found, an avoidance buffer no less than 300 feet shall be established around the nest until all young have fledged and the nest is confirmed by a qualified biologist to be no longer active.

**Pre-construction Surveys for Special-Status Plants:** Prior to construction, or any other project site development-related ground disturbance activities including vegetation removal within RSS habitat that would occur during water pipeline construction, the applicant shall conduct pre-construction presence/absence surveys for Plummer's mariposa lily, Parry's spineflower, and paniculate tarplant by a qualified botanist. Surveys shall be conducted in accordance with CNPS and CDFW rare plant survey guidelines and shall be conducted during the flowering period when each species is most readily identifiable. A botanist shall determine the blooming period for each species and verify blooming during the growing season by visiting a reference site to observe if the target species is flowering or otherwise identifiable. A species-specific survey may be required for each special-status plant depending upon the blooming period.

Any special-status plant populations shall be mapped in the field. If the presence of any special-status plant species is confirmed, a copy of the survey results shall be forwarded to CDFW for entry into the CNDDDB. In the event that special-status plants are not identified within the WVLCSP development areas, including areas used for construction, no further action is required.

If special-status species are determined to be present within the RSS habitat, then prior to issuance of project grading permit, a 5-year on-site restoration mitigation and monitoring

program subject to CDFW review and to be included as part of the Streambed Alteration Agreement shall be developed and implemented for any planting areas established to mitigate impacts on special-status plant species. Restoration success criteria shall include:

- 1) Establishment of mitigation site(s) within the conservation area, where plant restoration will occur.
- 2) Identification by a qualified botanist of an appropriate plant palette and restoration methodology compatible with the specific affected special-status species. Mitigation sites could include existing RSS habitat areas in the preservation area, depending on site conditions and locations of special-status plants found.

## Response to Comment EEJG-40

Mitigation Measure BIO-3 specifically relates to the approximately 55 acres of the project site that the project applicant will set aside for the conservation of various types of species, including plant species. No development will occur on this area with the exception of water lines connections to an existing water tank, the impacts of which are explicitly addressed in the 2<sup>nd</sup> RDEIR. The Habitat Mitigation and Monitoring Plan for the conservation area will be developed on conjunction with the CDFW, once the project applicant pursues a Streambed Alteration Agreement. As explained in Response to Comment EEJG-45, below, it is customary for Streambed Alteration Agreements to be obtained after project approvals. The 2<sup>nd</sup> RDEIR thoroughly documents the baseline conditions in compliance with CEQA. See the 2<sup>nd</sup> RDEIR's discussion of "existing conditions" throughout the document. To analyze whether a given project's environmental effects are likely to be significant, the agency must use some measure of the environment's state absent the project, a measure sometimes referred to as the 'baseline' for environmental analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 315, 10; CEQA Guidelines § 15125. The 2<sup>nd</sup> RDEIR appropriately utilized a CEQA complaint baseline to analyze potential impacts.

The commenter appears to conflate the use of the word "baseline" as it relates to a mitigation measure and not the baseline conditions analyzed in the 2<sup>nd</sup> RDEIR. The word baseline in the mitigation measure simply means that in coordination with the Streambed Alteration Agreement, a habitat mitigation and monitoring plan will be developed documenting the baseline or then existing condition within the RSS Open Space Area before implementing the habitat mitigation and monitoring plan. The baseline condition of the site as it relates to the analysis of potential impacts of the proposed project is detailed in 4.2.3 of the 2<sup>nd</sup> RDEIR.

Appendix D and the analysis included in the 2<sup>nd</sup> RDEIR document that the highest quality RSS habitat within the Specific Plan area occurs in the proposed 55-acre conservation area. Since the Specific Plan proposes to set aside the 55-acre area for conservation purposes, the 2<sup>nd</sup> RDEIR includes as part of Mitigation Measure BIO-3 specific requirements for preparation of a Habitat Mitigation and Monitoring Program (HMMP) to be developed based on real-time existing conditions, observable and documented at the time development is initiated, and prior to grading and site preparation in the development footprint. Furthermore, the HMMP required in Mitigation Measure BIO-3 would establish monitoring and management criteria for long term conservation of the RSS habitat and any habitat restoration or enhancement that would occur in the conservation area.

### **Response to Comment EEJG-41**

The 2<sup>nd</sup> RDEIR states on page 4.3.2-25 that the 55-acre conservation area would be set aside for habitat conservation, restoration, and enhancement and Mitigation Measure BIO-3 specifically states that fencing and signage would be placed to control and prevent trespassing, dumping, and other human intrusion. Mitigation Measure BIO-3 also specifies that annual cleanup would be coordinated with the City of Fontana and the responsibility of a Property Owner's Association that would be formed at the outset of site development to manage and maintain the conservation area in perpetuity.

### **Response to Comment EEJG-42**

Mitigation Measure BIO-6 directs that the perimeter fencing be designed in coordination with a qualified biologist, and that the fence must allow wildlife movement and wildlife access to the conservation area habitats. The 2<sup>nd</sup> RDEIR does not state that "barbed" wire would be used, rather proposes that fencing could be composed of "three or four strand barbless wire with metal t-posts." This fencing type would not cause injury to wildlife or impede movement, and would restrict human passage. Under existing conditions, direct access to the Specific Plan area and the RSS habitat in the proposed conservation area is uncontrolled and the area is subject to illegal dumping, HOV use, disking, and other uncontrolled activities. The parcels are not fenced, and people and vehicles can easily enter the Specific Plan area simply by pulling off the shoulder of Locust Avenue/Armstrong Road. After buildout of the Specific Plan, the proposed conservation area will not be directly accessible from Locust Avenue/Armstrong Road, but only from building parking areas which would be subject to security cameras and security patrol staff. Therefore, illegal dumping, HOV use and other forms of disturbance will not be intensified in the conservation area compared to existing conditions because the developed areas and associated security features will deter encroachment and illegal uses.

### **Response to Comment EEJG-43**

Appendix D and the 2<sup>nd</sup> RDEIR analysis conclude that existing conditions include insufficient contiguous vegetative cover to support avian movement across the project site's development footprint. The "vegetated areas" on page 4.2.3-25 of the 2<sup>nd</sup> RDEIR refer to the proposed rooftop habitat and at-grade vegetation proposed in the Specific Plan. Such vegetation would create suitable habitat and cover for avian species to traverse the site from currently undeveloped Rattlesnake Mountain and Jurupa Hills areas to gain access and utilize the proposed conservation area habitats. The 2<sup>nd</sup> RDEIR explains that Rattlesnake Mountain and Jurupa Hills regions are at higher elevations than the Specific Plan area, and that avian species would easily detect the rooftop habitat from those regions.

### **Response to Comment EEJG-44**

The Habitat Assessment included in Appendix D states that there is no connectivity afforded through the project site between Jurupa Hills and Rattlesnake Mountain regions. The conclusion included in Appendix D is based on on-site biological resources surveys and is consistent with and references the Western Riverside County MSHCP which indicates that the CAGN migrate north and south between Riverside and San Bernardino County. It also states that there is no habitat connectivity between Rattlesnake Mountain and Jurupa Hills and migration between the two regions does not occur under existing conditions.

## Response to Comment EEJG-45

The 2<sup>nd</sup> RDEIR establishes a performance standard of “no net loss” of special status species or their habitats either by avoidance or through on-site restoration and enhancement. The CDFW has jurisdiction over the species and habitat resources at the site and has the authority to determine adequacy and efficacy of the avoidance, replacement, enhancement, and long-term management of such resources. The 2<sup>nd</sup> RDEIR commits the project to that State Agency’s regulatory processes including the Streambed Alteration Agreement (California Fish and Game Code Section 1601) to ensure that the “no net loss” standard is met for the Specific Plan buildout. The mitigation and monitoring plan and habitat management plans that the 2<sup>nd</sup> RDEIR specifies on pages 4.2.3-23, 24, and 26 would be subject to review and approval by the State Agency with jurisdiction, CDFW, and proof that this condition has been met will be required by the City of Fontana as part of the project approvals process prior to initiation of grading and site preparation in the development footprint.

## Response to Comment EEJG-46

The 2<sup>nd</sup> RDEIR discusses in detail the off-site improvements that will be associated with the project, including off-site improvements related to roads and utilities. For example, the 2<sup>nd</sup> RDEIR discusses circulation improvements, the installation of new and improved roadways, and related fair share payments in Section 3.4.3 (2<sup>nd</sup> RDEIR, pp. 3-7 – 3-13). The 2<sup>nd</sup> RDEIR also discusses public facility and service improvements in Section 3.4.4 (2<sup>nd</sup> RDEIR, pp. 3-13 – 3-14). Both of these sections are included within Chapter 3 of the 2<sup>nd</sup> RDEIR, titled *Project Description*, which begins on page 3-1.

The commenter cites to a sentence from a section of the 2<sup>nd</sup> RDEIR that discusses GHG impacts, which states that an exact construction schedule for on-site and off-site construction has not yet been finalized. The absence of an exact construction schedule prior to project approval is common for a Specific Plan and is not required by CEQA. Furthermore, the lack of an exact construction schedule does not support the commenter’s allegations that the project is being “piecemealed,” nor does it support the commenter’s claim that the project description omits a discussion of the off-site improvements.

The 2<sup>nd</sup> RDEIR includes comprehensive discussions and analysis of plans for on-site and off-site development and related impacts. These development plans are discussed in detail in the 2<sup>nd</sup> RDEIR, including the *Project Description* chapter.

## Response to Comment EEJG-47

See Response to Comment WVWD-3 and EEJG-46 for a discussion of off-site road, utility, and infrastructure activities.

## Response to Comment EEJG-48

The City of Fontana will meet its legal obligation to maintain a complete and accurate administrative record.

## Response to Comment EEJG-49

This comment provides a closing statement along with a recommendation for the City’s action regarding the proposed Specific Plan. As detailed in its responses to this and other comment letters, the City of Fontana has concluded that the EIR does, in fact, conform to the requirements of CEQA.

## Comment Letter SCAQMD



SENT VIA E-MAIL AND USPS:

March 20, 2018

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 Fontana, CA 92335

**Second Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed West Valley Logistics Center Specific Plan (SCH No.: 2012071058)**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR<sup>1</sup>.

- SCAQMD-1 SCAQMD Staff's Summary of Project Description  
 The Lead Agency proposes to develop a guiding document to develop seven industrial warehouse buildings of up to 3,473,690 square feet with unknown occupants on an approximately 291.31-acre site that is currently vacant (Proposed Project). The Second RDEIR estimated a new total of 6,382 trip-ends per day (actual vehicles – automobiles and trucks), including 2,432 truck trip-ends per day with an average trip length of 38 miles for heavy trucks and 17.4 miles for all other vehicles<sup>2</sup>. Based on a review of Figure 3-1 and Table 4.2.2-1 in the Second RDEIR and aerial photographs, SCAQMD staff found that the Proposed Project is surrounded by sensitive receptors (residential uses and schools) to the north, east, and south. Construction is expected to take no more than 24 months for each increment of development, and construction may be phased with no specific development order<sup>3</sup>.
- SCAQMD-2 SCAQMD Staff's Summary of Air Quality and Health Risk Assessment Analyses  
 In the Air Quality Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA daily significance thresholds. To represent a worse-case analysis scenario, construction emissions were modeled assuming the entire site was built at a single time<sup>4</sup>. After incorporating Mitigation Measures AQ-1 through AQ-9, construction emissions would be less than significant, except NOx with maximum daily emissions of 248.91 pounds per day exceeding the SCAQMD CEQA significance threshold for NOx of 100 pounds per day<sup>5</sup>. For operation, the Lead Agency assumed five percent of trucks serving the Proposed Project, and up to five percent of warehouse area would be climate controlled<sup>6</sup>. The Lead Agency found that the Proposed Project's operational emissions, after incorporating Mitigation Measures AQ-10 through AQ-14, would remain significant and unavoidable for VOC and NOx. In addition, the Lead Agency conducted a health risk assessment (HRA) based on the 2003 Office of Environmental Health Hazard Assessment (OEHHHA) Guidelines and found that the maximum incremental cancer risk for residential exposure to diesel particulate matter (DPM) emissions

<sup>1</sup> On February 12, 2015, SCAQMD staff provided comments on the 1<sup>st</sup> RDEIR (available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/february/deirwestvalley.pdf>), which is incorporated here by reference.

<sup>2</sup> Second RDEIR, Page 4.2.2-17.

<sup>3</sup> Second RDEIR, Footnote 2; Page 3-18, Page 3-34, Table 4.2.2-5; Page 4.2.2-15.

<sup>4</sup> Second RDEIR, Page 3-18.

<sup>5</sup> Second RDEIR, Table 4.2.2-10, Page 4.2.2-31.

<sup>6</sup> Second RDEIR, Page 4.2.2-35.

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SCAQMD-2  
cont. would be 3.6 in a million; 0.53 in one million for workers; and 0.05 in one million for school child<sup>7</sup>. All of them would be below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk.

SCAQMD-3  
General Comments  
SCAQMD staff has reviewed the Air Quality and HRA analyses in the Second RDEIR and has comments on the air quality methodology and HRA modeling parameters. Please see the attachment for more information. Because of SCAQMD staff's concern about the health impacts from siting warehouses in proximity to sensitive land uses, the attachment includes additional recommended mitigation measures. Finally, the attachment includes SCAQMD staff's recommendation to include discussions on SCAQMD Rule 403(e), Rule 1166, and Rule 1466.

SCAQMD-4  
Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions regarding the enclosed comments.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development &amp; Area Sources

Attachment  
LS/SW  
[SBC180206-02](#)  
Control Number

<sup>7</sup> Second RDEIR, Pages 4.2.2-44 and 45.



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## ATTACHMENT

**Overall Comment on Air Quality and Health Risk Assessment Analyses**

1. The Lead Agency proposes to construct and operate approximately 3.5 million square feet of warehouse buildings. Occupants are unknown at the time the Second RDEIR is circulated for public review. Because future occupants of the Proposed Project are unknown, the Proposed Project could be utilized as a cold storage warehouse.
- SCAQMD-5 Here, there was an inconsistency regarding whether the Proposed Project would include refrigerated units. Transport refrigeration units (TRUs) are commonly in-use at cold storage warehouses. Based on a review of the CalEEMod input file, SCAQMD staff found that the “*unrefrigerated* warehouse-no rail” land use was selected. However, since up to five percent of the Proposed Project’s warehouse area would be climate controlled<sup>8</sup>, TRUs may be used during operation. To conservatively analyze the worst-case impact scenario and to be consistent with the intended uses of the Proposed Project, SCAQMD staff recommends that the Lead Agency revise the air quality and the HRA modeling to calculate operational emissions from NOx and diesel toxic particulate matter from TRUs and disclose them in the Final EIR.

**Air Quality Analysis – Overlapping Construction and Operational Impacts**

2. Since the Proposed Project may be developed in phases with no specific development order, the Proposed Project’s construction activities in one Planning Area may overlap with operation of new warehouse buildings that are built in other Planning Areas, thereby resulting in overlapping construction and operational activities at one time. In the case of overlapping construction and operation activities, SCAQMD staff recommends adding the construction and operational peak daily emissions in pounds per day and comparing the combined emissions to SCAQMD’s air quality CEQA significance thresholds for *operation*<sup>9</sup> to determine the level of significance.
- SCAQMD-6

**Health Risk Assessment (HRA)**

3. The SCAQMD meteorological (MET) dataset (2008-2012) from the Fontana Station was used in the HRA. This dataset has been replaced with a new MET dataset (2011-2013, 2015, and 2016). Using the old MET dataset may have led to an under-estimation of the health risks from the Proposed Project. Therefore, SCAQMD staff recommends that the Lead Agency revise the HRA in the Final EIR by using the most recent MET dataset (2011-2013, 2015, and 2016) from Fontana Station that is available on SCAQMD’s website<sup>10</sup>.
- SCAQMD-7
4. Trucks idling emissions were estimated based on 15 minutes of idling time to serve as a conservative estimation of impacts from idling emissions. However, the modeled emission rate for truck idling emissions was calculated based on a division by the total number of seconds in an entire day (24 hours or 1440 minutes or 86,400 seconds) instead of the total number of seconds over a 15-minute duration. Dividing 15 minutes by the total number of seconds in an entire day may have resulted in lower than the actual emission rate in the model input and led to an under-estimation of
- SCAQMD-8

<sup>8</sup> Second RDEIR. Page 4.2.2-35.

<sup>9</sup> South Coast Air Quality Management District. *Air Quality Significance Thresholds*. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

<sup>10</sup> South Coast Air Quality Management District. The AERMOD-ready Meteorological Data for Riverside Airport Station is available at: <http://www.aqmd.gov/docs/default-source/air-quality/meteorological-data/aermod-ready-meteorological-data/table-1-meteorological-sites/2017/FontanaADJU.zip>.

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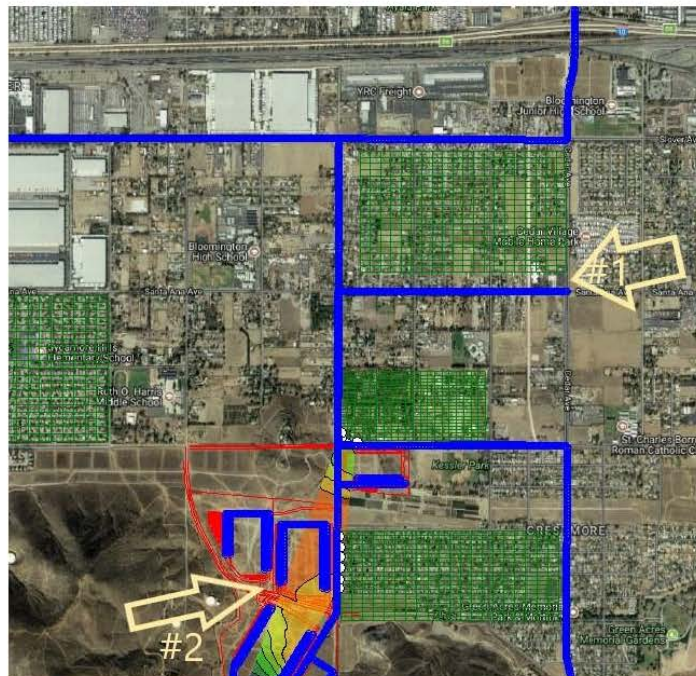
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SCAQMD-8 cont. | concentrations and risks. Therefore, SCAQMD staff recommends that the Lead Agency revise the emission rate for truck idling emissions in the model input.

SCAQMD-9 | 5. | On-site idling was modeled as line volume source with higher plume height and width. This approach is not appropriate because it may have likely increased dispersion and led to an under-estimation of ground level concentrations. Therefore, the point source option with the actual plume height and stack parameter settings should be used in the AERMOD, or the Lead Agency provides justification for the use of line volume source in the Final EIR.

SCAQMD-10 | 6. | The truck routes were not consistent. Based on a review of Figure 3-4, *Proposed Truck Route*, in the Second RDEIR, SCAQMD staff found that trucks would travel on Cedar Avenue between Slover Avenue and Jurupa Avenue. However, in the AERMOD modeling input files for the HRA analysis, truck route stopped at Cedar Avenue, and trucks would not travel on Cedar Avenue (See #1 in Figure A below). In addition, while a new private street would be constructed to provide ingress and egress for the proposed warehouses, it was not included as part of the truck route in the AERMOD modeling input files (See #2 in Figure A below). Therefore, it is recommended that the Lead Agency clarify the truck routes in the Final EIR and, if necessary, update the HRA analysis based on one set of truck routes that is consistent throughout the document, or provide justification to explain why different truck routes should be used in the HRA analysis.

**Figure A: Screenshot from the AERMOD Modeling for the Proposed Project**



NOTE: truck routes are shown in blue lines in the AERMOD modeling for the Proposed Project.

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7. SCAQMD-11 Trucks traveling on the roadways were modeled as single line volume sources in the AERMOD for the HRA analysis. However, based on a review of the most current aerial map, several roadways, as part of the proposed truck routes for the Proposed Project, including Cedar Avenue, Slover Avenue, and Sierra Avenue, have two to three lanes. Modeling these roadways as single line volume sources could have under-estimated the ground level concentrations, unless they reflect the actual road width that the trucks can and will travel. Therefore, to conduct a worst-case emissions scenario analysis from trucks traveling on these roadways, it is recommended that the Lead Agency revise the AERMOD modeling by using a correct lane type to reflect the actual road width.

8. SCAQMD-12 As a sustainable feature (SP-AQ-3) for the Proposed Project’s construction and operation, contractors and building operators are requested, by contract specification, that on-road heavy-duty diesel trucks with a gross vehicle weight rating greater than 14,000 pounds will have a 2010 model year engine or newer or will be equipped with a particulate matter trap, as available<sup>11</sup>. Based on Appendix 4, *Vehicle Categories*, in the User Guide for the U.S. EPA-approved EMFAC2014<sup>12</sup>, the gross vehicle weight rating for Light-Heavy-Duty Trucks (LHD1) is from 8,501 to 10,000 pounds that is below the gross vehicle weight rating of 14,000 pounds. As such, LHD1 are not subject to SP-AQ-3. However, in the HRA modeling, the 2010 model year trucks or newer requirement was applied to all truck categories, including LHD1. To be consistent with SP-AQ-3’s requirement, which, as it is currently written in the Second RDEIR, excludes LHD1, the Lead Agency should incorporate SP-AQ-3 requirement to re-calculate truck emissions for only Medium-Heavy Duty Trucks (MHD) and Heavy-Heavy Duty Trucks (HHD), not including LHD1. Alternatively, the Lead Agency should incorporate the following changes to SP-AQ-3 to be consistent with the modeling assumptions. Specifically, the Lead Agency should remove the gross vehicle weight rating requirement from SP-AQ-3 and ensure that a 2010 model year engine or newer will be used throughout the lifetime of the Proposed Project, not based on availability.

**SP-AQ-3: Request Contractors and Building Operators to Use Particulate Matter Traps on All On-road Heavy-Duty Diesel Trucks.** The project will request contractors and building operators (by contract specifications) that on-road heavy-duty diesel trucks ~~with a gross vehicle weight rating greater than 14,000 pounds~~ have a 2010 model year engine or newer or are equipped with a particulate matter trap, ~~as available~~.

9. SCAQMD-13 In Appendix 2.4, *DPM Emissions From Project*, and the AERMOD modeling input files for the Proposed Project’s HRA analysis, the weighted average emissions for trucks were derived from multiplying the percentage and emission factor for each of the three truck categories (LHD1, MHD, and HHD). The total combined percentage for trucks from all three categories should be 100 percent. However, the total combined percentage from LHD1, MHD, and HHD in the AERMOD modeling input files was approximately 80 percent. This would result in under-estimated truck emissions and associated health risks. Therefore, it is recommended that the Lead Agency update the percentages for the three truck categories to ensure that they add up to 100 percent and revise the associated truck emissions and the health risk values accordingly.

10. SCAQMD-14 The building downwash effect was not included in the AERMOD. The building downwash is the effect that wind flowing over or around buildings has on plumes released from nearby stacks. Buildings create a cavity of recirculating winds in the area near the buildings, and these building cavities cause increased vertical dispersion of plumes emitted from stacks on or near the buildings. In addition, building downwash often leads to elevated concentrations downwind of the affected stacks.

<sup>11</sup> Second RDEIR. Page 3-17 and 3-24.

<sup>12</sup> California Air Resource Board. *EMFAC2014 User Guide*. Accessed at: [https://www.arb.ca.gov/msei/emfac2014\\_users\\_guide.pdf](https://www.arb.ca.gov/msei/emfac2014_users_guide.pdf).

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SCAQMD-14  
cont.

Since the Proposed Project would include operation of seven warehouse buildings totaling 3,473,690 square feet, the building downwash effect should be used in the air dispersion model; or the Lead Agency should provide justification for not including the building downwash effect in the Final EIR.

11. In the HRA, the Lead Agency estimated the Proposed Project’s health risks by using a single lifetime calculation rather than individual age bins (e.g., third trimester of pregnancy, age 0-2, age 2-16, and age 16-30). The 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance acknowledges that children are more susceptible to the exposure to air toxics and has revised the way cancer risks are estimated to take this into account (e.g., increasing the risks for children from cancer causing substances, elevating the breathing rates for children, and adding multi-pathway calculations). Additionally, each age bins has different exposure parameters, including, for example, daily breathing rates, age sensitivity factors, and fraction of time at home. Table A and Table B below illustrate the differences in exposure parameters for different age bins.

Table A: Residential Daily Breathing Rates for Point Estimate Dose Calculation (L/kg body weight)

SCAQMD-15

	3 <sup>rd</sup> trimester	0-2 Years	2-9 Years	2-16 Years	16-30 Years	16-70 Years
<b>Average</b>	225	658	535	452	210	185
<b>80<sup>th</sup> Percentile</b>	273	758	631	572	261	233
<b>95<sup>th</sup> Percentile</b>	361	1090	861	745	335	290

Source: 2015 OEHHA Guidance.

When calculating cancer risks, the age sensitivity factors (ASF) accounts for greater susceptibility in early life, starting from the 3<sup>rd</sup> trimester of pregnancy to 70 years. Another factor in the cancer risk calculations is the fraction of time at home (FAH), which takes into account the time actually residing at the sensitive receptor location(s). The FAH is also age-dependent. In general, the earlier in life the greater fraction of time at home (See Table B). Therefore, the age factor plays an important role in health risk calculation.

Table B: FAH for Evaluating Residential Cancer Risk

Age Range	FAH
3 <sup>rd</sup> Trimester and 0-2 Years	0.85
2-16 Years	0.72
16-70 Years	0.73

Source: 2015 OEHHA Guidance.

Although truck emissions will get cleaner over time due to implementation of stringent regulations and improving technologies, it would not be appropriate to average emissions over the entire exposure duration since this would substantially underestimate health risks to children who would be exposed to higher DPM concentrations during the early years of project operation. Therefore, SCAQMD staff recommends that the Lead Agency calculate cancer risks separately for each age bin in the Final EIR. The DPM emissions for each year of operation should be applied to each of the corresponding age bins (i.e. emissions from Year 1 of Project operation should be used to estimate cancer risks to the third trimester to 0 year age bin; Year 1 and 2 of Project operation should be used to estimate the cancer risks to the 0 to 2 years age bins; and so on). When there are different

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SCAQMD-15 cont. breathing rates for the same age bin, the most appropriate and conservative daily breathing rate should be used.

#### Mitigation Measures

12. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. SCAQMD staff recommends incorporating the following mitigation measures in the Final EIR to further reduce health impacts to near sensitive receptors.

#### Vegetated Barriers and Limitations

a) Based on a review of Figure 3-3 in the Second RDEIR and aerial photographs, SCAQMD staff found that screen walls will be installed in some parts of the Proposed Project and that some vegetation already exist along the easterly property line between Building 1 and Lincoln Avenue. Due to SCAQMD staff's concern about siting the Proposed Project next to residential uses, it is recommended that the Lead Agency use vegetative barriers of sufficient density as a measure to reduce exposures to residents. For additional information on road side vegetation barriers, please visit: <https://www.epa.gov/air-research/recommendations-constructing-roadside-vegetation-barriers-improve-near-road-air-quality>.

SCAQMD-16

However, vegetative barriers have limitations. According to the EPA's Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality Planning Guide<sup>13</sup>, gaps in vegetative barriers can lead to increased pollutant concentrations downwind. Furthermore, vegetative barriers require several years to reach full maturity (width, height, and density); therefore, creating potential gaps and increased pollutant concentrations downwind. The EPA also recommends extending the barrier at least 50 meters laterally beyond the area of concern in order to maximize reductions in downwind concentrations. Therefore, in the event that vegetated barriers are proposed for the Proposed Project, the Lead Agency should consider and carefully evaluate the presumed effectiveness in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

#### Require Setbacks of at least 500 feet as a Project Design Feature

b) Because of the close proximity of the Propose Project such as Building 1 to existing residential uses, SCAQMD staff recommends that the Lead Agency include in the project design feature setbacks of at least 500 feet, where appropriate.

#### Compliance with SCAQMD Rules 403(e), 1166, and 1466

SCAQMD-17 13. The Lead Agency included a discussion on general compliance with SCAQMD Rule 403 in the Second RDEIR. Based on the project description, the Proposed Project is a large operation of approximately 291 acres (50-acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin. The Lead Agency is required to comply with SCAQMD Rule 403(e) – Additional Requirements for Large Operations<sup>14</sup>, which includes requirements to provide Large Operation Notification Form 403 N, appropriate signage, additional dust control measures, and employment of a dust control supervisor

<sup>13</sup> EPA Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality Planning Guide. Accessed at: [https://cfpub.epa.gov/si/si\\_public\\_file\\_download.cfm?p\\_download\\_id=528612](https://cfpub.epa.gov/si/si_public_file_download.cfm?p_download_id=528612).

<sup>14</sup> South Coast Air Quality Management District. Rule 403. Last amended June 3, 2005. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

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- SCAQMD-17 cont. that has successfully completed the Dust Control in the South Coast Air Basin training class<sup>15</sup>. Therefore, SCAQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with SCAQMD Rule 403(e) in the Final EIR.
- SCAQMD-18 14. Based on a review of Section 4.2.-8, *Hazards and Hazardous Materials*, SCAQMD staff found that the Proposed Project site was historically used for agriculture from 1953 to 2005<sup>16</sup>. Organochlorine pesticides was used. While the results of soil testing indicated no organochlorine pesticides present in surficial soils, should the Lead Agency encounter hydrocarbons during soil disturbance activities, the Proposed Project is subject to SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Therefore, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with Rule 1166 in the Final EIR.
- SCAQMD-19 15. Due to earth-moving activities of soil on the Proposed Project site, and in the event that any toxic air contaminant(s) as defined in SCAQMD Rule 1466 – Control of Particulate Emissions from Soil with Toxic Air Contaminants<sup>17</sup> are encountered, the Final EIR should include a discussion on Rule 1466.

<sup>15</sup> South Coast Air Quality Management District Compliance and Enforcement Staff's contact information for Rule 403(e) Large Operations is (909) 396-2608 or by e-mail at [dustcontrol@aqmd.gov](mailto:dustcontrol@aqmd.gov).

<sup>16</sup> Second RDEIR, Page 4.2.8-5.

<sup>17</sup> South Coast Air Quality Management District, Rule 1466. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

## **2.3.18 South Coast Air Quality Management District**

### **Response to Comment SCAQMD-1**

The SCAQMD provides a summary of the project, the findings in the 2<sup>nd</sup> RDEIR and states that detailed comments are included in a separate attachment. The responses to the SCAQMD's specific comments are provided in Responses to Comments SCAQMD-5 through SCAQMD-19.

### **Response to Comment SCAQMD-2**

See Response to Comment SCAQMD-1.

### **Response to Comment SCAQMD-3**

See Response to Comment SCAQMD-1.

### **Response to Comment SCAQMD-4**

See Response to Comment SCAQMD-1.

### **Response to Comment SCAQMD-5**

No refrigerated use is planned, and as such, no refrigerated use is analyzed in the Air Quality Study or HRA. References to refrigerated warehouse use are hereby stricken from the 2<sup>nd</sup> RDEIR. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

### **Response to Comment SCAQMD-6**

The comment states that the peak daily emissions associated with the project were not adequately calculated because the emissions for construction and operation were calculated separately.

Because site grading will precede construction any of the buildings within the project site, no overlap between site grading and any operations would occur. Construction of the seven warehouse buildings within the project site would occur on an individual basis as individual parcels are sold to future users. No schedule has been established for the sale and construction of project buildings, not is there a prescribed order in which building site might be sold and constructed. During construction of the first building, there would be no ongoing operations. During construction of subsequent buildings, operations would be occurring at one or more buildings. Assuming only one building is under construction at a time, any one of the seven proposed buildings on site would be constructed first; any one of the remaining six buildings might be constructed second; any one of the remaining five buildings might be constructed third, resulting in as many as 720 different scenarios where construction of an on-site building might overlap operations of previously constructed buildings.

Pursuant to the SCAQMD CEQA Air Quality Handbook, the recommended approach to calculate proposed emissions for criteria pollutants is to quantify construction and operation emissions separately and compare each to the applicable construction and operational thresholds of significance (Chapters 6 and 9 of the CEQA Handbook). To the City's knowledge, the SCAQMD has not developed or published combined construction and operational emission significance

thresholds, with the exception of its December 5, 2008 adoption of a GHG Significance Threshold for certain projects where SCAQMD is the lead. There, the construction emissions are amortized over 30 years and added to the operational emission. Additionally, the SCAQMD did not make a request for this type of combined assessment in its comments on the project Notice of Preparation or original Draft EIR.

### **Response to Comment SCAQMD-7**

The HRA modeling included in the 2<sup>nd</sup> RDEIR was completed on November 2, 2017. The City of Fontana is aware that the SCAQMD now has an updated meteorological data set; however, the SCAQMD released updated meteorological data sets well *after* the analysis had been initiated. As such, the HRA and 2<sup>nd</sup> RDEIR used the correct meteorological data set that was available at the time the HRA was prepared. Use of the more recent data set that became available after initiation of the analysis would not have changed the results of the EIR's analysis.

The SCAQMD comment letter provides no evidence of how using a data set published by the SCAQMD itself would somehow result in understating impacts. Notwithstanding, a supplemental HRA has been prepared that uses the most current MET data set as well as responds to other comments received on the 2<sup>nd</sup> RDEIR regarding the HRA. The results of the revised HRA indicate that impacts to the maximum exposed receptor would be 9.59 in one million, which would not result in any new significant impact other than what is already disclosed in the 2<sup>nd</sup> RDEIR.

### **Response to Comment SCAQMD-8**

The SCAQMD correctly summarizes how emissions from truck idling were divided over a 24-hour period. The reason they are divided as such is due to the fact that the project is anticipated to operate 24-hours per day and since individual tenants for the seven proposed warehouse buildings are unknown, exact operating hours are also unknown at this time. The SCAQMD provides no evidence that averaging emissions over a 24-hour period would somehow understate potential impacts—and provides no recommendation on how this should be revised. Furthermore, the analysis assumes exposure durations of 24 hours per day commensurate with applicable guidance; therefore, the 2<sup>nd</sup> RDEIR and HRA evaluate potential idling correctly since idling can occur over a 24-hour period.

### **Response to Comment SCAQMD-9**

On-site idling was appropriately modeled in the 2<sup>nd</sup> RDEIR and HRA using the multiple volume source algorithm in AERMOD accounting for the EPA haul road factors to determine plume height and width. The SCAQMD provides no evidence as to how emissions and therefore risk might be under-estimated. The use of multiple volume sources has been recommended by SCAQMD in past comment letters when other lead agencies have used point sources. Specifically please refer to comment #9 in the comment letter the SCAQMD prepared for the Draft EIR for the Proposed Colony Commerce Center project in the City of Ontario, SCAQMD letter dated January 3, 2017: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2017/DEIRcolony010317.pdf>

In this letter, the SCAQMD explicitly states in comment #9:

“SCAQMD staff recommends that the lead agency revise the HRA using a line volume that spans the entire docking area.”



It should be noted that SCAQMD *recommended* using a line volume source to represent on-site idling at loading docks for this project when the proponent had modeled on-site idling as point sources. As such, the HRA and 2<sup>nd</sup> RDEIR for this project have been prepared consistent with past SCAQMD guidance using a line volume source to represent on-site idling. Furthermore, it should be noted that this methodology is also consistent with the SCAQMD's own localized significance threshold (LST) methodology, which recommends multiple volume sources to represent exhaust emissions from on-site activity. As such, the HRA and 2<sup>nd</sup> RDEIR correctly modeled the on-site idling and no further changes are needed.

### Response to Comment SCAQMD-10

No trucks would travel on Cedar Avenue between Slover Avenue and Jurupa Avenue and as such this is not analyzed in HRA. The HRA truck routes are consistent with the truck trip distribution exhibits as included in the 2<sup>nd</sup> RDEIR on Figures 4.2-15.8a and 4.2.15-8b. Figure 3-4 includes an error in the 2<sup>nd</sup> RDEIR document and will be corrected in the Final EIR. As such, the modeling in the 2<sup>nd</sup> RDEIR is correct, and no changes are required.

### Response to Comment SCAQMD-11

See Response to Comment SCAQMD-9. Additionally, the AERMOD modeling used the actual road width relative to the applicable roadways modeled.

### Response to Comment SCAQMD-12

Specific Plan Requirement SP-AQ-3 is revised to read as follows:

SP-AQ-3: ~~Request~~ Require Contractors and Building Operators to Use 2010 Model Year or Particulate Matter Traps ~~on~~ for All On-road Heavy-Duty Diesel Trucks. The project will ~~request~~ require contractors and building operators (by contract specifications) ~~that~~ to utilize on-road heavy-duty diesel trucks ~~with a gross vehicle weight rating greater than 14,000 pounds have~~ having a 2010 model year engine or newer ~~or are~~ equipped with a particulate matter trap, ~~as available.~~

### Response to Comment SCAQMD-13

As indicated in Response to Comment SCAQMD-7, a revised HRA has been prepared for the project using the SCAQMD recommendations with respect to age sensitivity factors. As such, the revised HRA has been verified and the total truck percentages total 100 percent.

### Response to Comment SCAQMD-14

The building downwash effect does not apply to the volume source algorithm per EPA guidance and therefore is not used in the analysis. As previously noted in Response to Comment SCAQMD-9, above, the model appropriately used the volume source algorithm and therefore no further analysis is needed.

## Response to Comment SCAQMD-15

The project's HRA has been recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition) as well as the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures.

The inhalation rates in the revised HRA are consistent with the SCAQMD's Rule 1401 guidance, specifically the SCAQMD's Permit Application Package "M," Table 9.1 (page 36).

Pursuant to SP-AQ-3, as revised, trucks accessing the project would be required to meet or exceed a 2010 model year engine standard. As such, a 2018 EMFAC 2014 run was conducted for 2010 and better trucks. The emissions average conservatively includes a static 2018 analysis year for model year 2010 and better trucks for the entire duration of analysis herein (e.g., 30 years). Use of 2018 emission factors would overstate potential impacts since this approach assumes that emission factors remain "static" and do not change over time due to fleet turnover or cleaner technology with lower emissions that would be incorporated after 2018. Additionally, based on EMFAC2014, Light-Heavy-Duty Trucks comprise 68 percent diesel, Medium-Heavy-Duty Trucks comprise 94.36 percent diesel, and Heavy-Heavy-Duty Trucks comprise 99.7 percent diesel trucks and have been accounted for accordingly in the emissions factor generation.

The following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the site: 16.73 percent of the total trucks as 2-axle trucks, 20.7 percent of the total trucks as 3-axle trucks, and 62.57 percent of the total trucks as 4+-axle trucks.

Assuming 15 minutes of idling per truck, at the MEIR, the maximum incremental cancer risk attributable to project DPM source emissions is estimated at 9.59 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0027, which is well below the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to adjacent residences. The less than significant finding is consistent with the analysis presented in the 2017 HRA Study and 2<sup>nd</sup> RDEIR and thus no new significant impacts would occur.

Assuming 9 minutes of idling per truck, at the MEIR, the maximum incremental cancer risk attributable to project DPM source emissions is estimated at 9.03 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.0025, which would not exceed the applicable threshold of 1.0. As such, the project will not cause a significant human health or cancer risk to adjacent residences. The less than significant finding is consistent with the analysis presented in the 2017 HRA Study and 2<sup>nd</sup> RDEIR and thus no new significant impacts would occur.

## Response to Comment SCAQMD-16

The SCAQMD is recommending the use of vegetation as an additional barrier to reduce air emissions, however the SCAQMD also acknowledges limitations to the use of vegetation for purposes of reducing air emissions. As such, the City of Fontana appreciates the SCAQMD's comment and agrees that vegetation will be provided as a buffer between the project and existing residences. As a conservative measure, no reductions in emissions from the use of vegetation have been taken for analytical purposes.

This comment is not supported by substantial evidence supporting why the SCAQMD is recommending a 500-foot setback. It is presumed that this request is generally based on the CARB

Handbook (April 2005) which recommends a buffer distance of at least 1,000 feet between land uses that will generate/attract 100 or more trucks per day. However, CARB's guidance acknowledges that the 1,000-foot buffer distance is advisory, only, and that projects should determine the *actual* risk near a particular facility (see page 5 of the Handbook). The Handbook further states that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists."

The 2<sup>nd</sup> RDEIR and its technical studies—which includes an air quality impact analysis and an HRA—fill in that data gap with project-specific information and are actually consistent with the CARB Handbook. The 2<sup>nd</sup> RDEIR includes a site-specific HRA based on the geospatial location of the proposed project, existing sensitive land uses in the vicinity of the project site and the truck travel routes that are expected to be utilized. As disclosed in the 2<sup>nd</sup> RDEIR, the project would not pose a significant health risk associated with DPM to sensitive receptors in the project vicinity. Therefore, an additional buffer beyond the buffer already provided by the project is not warranted.

### **Response to Comment SCAQMD-17**

As stated in RR-AQ-3 of the 2<sup>nd</sup> RDEIR, the project will be required to comply with SCAQMD's Rule 403. It is impossible to provide a detailed description of how the project will comply with SCAQMD's Rule 403 at this time, since specific grading activities have not been determined by a contractor. Notwithstanding, as required by Regulatory Requirement RR-AQ-3 and as a requirement of SCAQMD's regulatory authority consistent with Rule 403, prior to grading permit issuance, the contractor is required to submit a plan to the City of Fontana that will include notes and specifications in grading plans that will require Rule 403 requirements to be implemented as stated in RR-AQ-3 in the 2<sup>nd</sup> RDEIR. As such, no additional mitigation measures are required as the 2<sup>nd</sup> RDEIR already includes a requirement that the project comply with SCAQMD's Rule 403.

### **Response to Comment SCAQMD-18**

The project does not intend to use contaminated soil as discussed in Section 4.2-8 of the 2<sup>nd</sup> RDEIR. Therefore, SCAQMD Rule 1166 is not applicable to proposed grading activities.

Should it be determined that the excavated soil is contaminated, the requisite reviews and permits will be performed to ensure compliance with all applicable appropriate regulatory and permitting requirements, including Rule 1166.

### **Response to Comment SCAQMD-19**

Similar to Response to Comment SCAQMD-18, the project does not expect to move soil containing TACs. Notwithstanding, should it be determined that the excavated soil is contaminated and has the potential to generate TACs, the requisite reviews and permits will be performed to ensure compliance with all applicable appropriate regulatory and permitting requirements, including Rule 1466.

## Comment Letter CCAEJ

April 17, 2018

**VIA US MAIL AND EMAIL**

Orlando Hernandez  
 Planning Manager  
 City of Fontana  
 Email: ohernand@fontana.org  
 Fontana City Hall  
 8353 Sierra Avenue  
 Fontana, CA 92335



**RE: Master Case No. 13-034; General Plan Amendment No. 11-026; Zone Code Amendment No. 11-016; Specific Plan Amendment No. 11-003; Tentative Parcel Map No. 19156 (TPM No. 13-005); Development Agreement No. 11- 002 - Draft Environmental Impact Report (DEIR) State Clearinghouse No. 2012071058 West Valley Logistics Specific Plan Project.**

Dear Mr. Hernandez;

We would like to take the opportunity to engage with the current stage of the CEQA process and contribute these comments for your consideration. The Center for Community Action and Environmental Justice (CCA EJ) is a community based Environmental Justice organization with over 40 years experience working with and representing communities throughout the Inland Valley Region. We would like to expand on the comments previously presented by residents of Fontana and Bloomington and reiterate some of the concerns mentioned in a previous comment letter that was submitted by The Center for Biological Diversity, the San Geronio Chapter of the Sierra Club and ourselves on March 26, 2018

**The project is inconsistent with the surrounding Land Use and General Plan.**

CCA EJ-1

This project and it's proposed truck route lies less than 1000 ft to sensitive land use areas such as parks, schools and residential housing communities. Additionally, there are no existing industrial sites adjacent to this proposal nor is the site directly next to freeway exits. The proposed project would disrupt a residential neighborhood, further congest, narrow streets and vanquish possibilities of improving existing air quality pollution and mitigating health risks. The residents of the neighborhood purchased or rented homes with the reasonable expectation that the City would abide by its own General Plan. The inconsistency of this project will undoubtedly transform a residential community into trucking route with all the traffic, diesel air pollution and noise being absorbed by the families that live in it.

**Residents concerns regarding RDEIR analysis**

Residents expressed overarching concerns regarding adequacy of the analysis presented in the DEIR. Specifically they identified the following concerns:

- CCA EJ-2

  - Industrial facilities, such as the project proposed in the RDEIR, inevitably introduce heavy diesel trucks and higher traffic near homes, streets and children. Fontana already experiences the highest rates of dangerous ozone levels in California and the Nation, the RDEIR completely fails to consider existing conditions and unconvincingly excludes a cumulative Air Quality analysis.
- CCA EJ-3

  - The RDEIR does not adequately analyze idling and only considers idling at docking station. Idling is prolific in Fontana and Bloomington and failing to capture the true nature of the problem renders the analysis in the RDEIR inadequate.
- CCA EJ-4

  - The City failed to meet Public Participation requirements under CEQA:
    - The DEIR is difficult to understand. Many community members expressed that they did not understand the documents because they were confusing and difficult to decipher. They were also not translated into Spanish, omitting the input from a large portion of the residents that would be affected.
    - All the residents in the project area failed to receive notification. **Given the inadequate initial outreach, we request that the Planning Commission and Planning Department extend the comment period.**
- CCA EJ-5

**Ensure Air Quality concerns are adequately addressed**

CCA EJ-6

We are concerned that the project would increase already alarming levels of Air Quality pollution, particularly Ozone, PM 2.5 and Diesel. These emissions are particularly exacerbated by mobile sources; the project would in effect function as an indirect source to mobile sources emitting these criteria pollutants and therefore further exacerbate pollution burdens not only in the project area but within the adjacent census tracts as well. The RDEIR should conduct a full analysis on these emissions and the impacts on all census tracts with a ½ mile, 1 mile, 1.5 mile and 2 mile radius of the proposed project. The RDEIR should also take into consideration the impacts to sensitive areas such as the four adjacent schools (Sycamore Hills Elementary, Walter Zimmerman Elementary, Ruth Harris Middle, and Bloomington High School) and homes that lie dangerously close to the proposed truck route. The route will leave these sensitive areas vulnerable to over-exposure of mobile-source pollution, not including the existing impacts they already absorb from nearby projects.

CCA EJ-7

According to the California Air Resources Board: Diesel PM is a toxic air contaminant that represents 70% of known potential cancer risk, Diesel PM from delivery truck traffic results in elevated diesel PM concentrations in neighborhoods surrounding sites. The project poses a clear risk to the surrounding areas and the increased emissions should be fully analyzed in the dEIR. Given the existing significant elevated levels of ROG, NOx, CO and PM10 and PM2.5 the dEIR should not be relying on a conservative diesel-powered truck improvement prediction to expedite their

CCA EJ-7  
cont. | analysis . This is an inadequate manner of predicting impact and disrespectfully overriding the potential impacts that the surrounding communities will face.

CCA EJ-8 | We recommend the RDEIR analyze consistency with the South Coast Air Quality Management District’s (SCAQMD) South Coast Air Quality Management Plan, the analysis should calculate cumulative regional impacts of the Plan’s buildout. In particular the analysis should include a specific analysis of impacts on Ozone and PM 2.5 in terms of attainment of Air Quality Standards in the South Coast Air Quality Basin. Even more so we recommend the RDEIR provide analysis of a Plan scenario with an Indirect Source Rule (ISR), the analysis should compare buildout and cumulative impacts on both Ozone and PM 2.5 in a potential ISR scenario to a scenario without an ISR. Furthermore the RDEIR should present an analysis of mitigation measure for both ISR and non ISR scenarios.

CCA EJ-9 | ***Conduct as part of the EIR a Health Impact Assessment to study the health impacts of the proposed project***  
The City should conduct a Health Impact assessment (HIA) as a component of the RDEIR<sup>1</sup>. We recommend the assessment focus on the differential impacts on EJ communities in the jurisdictional boundaries of Fontana and those affected in Bloomington. We specifically request an analysis of potential increase in health care costs for individual in EJ communities resulting from elevated toxins. The HIA would help the City determine the economic impact and burden the proposed project would place on residents in Fontana and other EJ communities within the County’s boundaries. Even more so, the HIA would help identify necessary mitigation measures and public health disparities.

CCA EJ-10 | We recommend the HIA address potential impacts on sensitive land uses within a ½ mile, 1 mile, 1.5 mile and 2 mile radius of the project. Both CARB and the South Coast Air Quality Management District (SCAQMD) recommend placing sensitive land uses, such as housing schools, etc should be placed at least 1,000 feet from indirect mobile sources such as distribution centers. The project would attract significantly more traffic than distribution centers and should take into consideration proximity to adjacent communities that are already overburdened. We are concerned that the Air Quality impact would exacerbate cancer risk and health risk in the area and as such the HIA should specifically address these risks. By conducting a health risk assessment that “combines one conservative assumption with another can result in an assessment that overstates the health risk levels” is inconsiderate of a population of people who are already dealing with the toll of pollutants on their health. We would like to see a thorough HIA done that analyzes the impact of the proposed number of diesel trucks that will pollute, before your 2020 reduction prediction.

CCA EJ-11 | Here, the Project’s introduction of significant amounts of truck traffic to a residential neighborhood will drastically increase the amount of air pollution, DPM, and GHG emissions in the area. The

<sup>1</sup> Health impact assessment (HIA) is a tool that can “evaluate the potential health effects of a plan, project, or policy before it is built or implemented. HIA brings potential positive and negative public health impacts and considerations to the decision-making process for plans, projects, and policies”. See: U.S. Centers for Disease Control:<https://www.cdc.gov/healthyplaces/hia.htm>

- CCAEJ-11 cont. RDEIR estimates that there will be 2,432 truck trips per day. (RDEIR at 4.2.2-18.) The RDEIR does not provide any discussion of how this figure was calculated. The RDEIR needs to explain in detail how this figure was calculated and also analyze the possibility that additional truck trips will occur. Such analysis is particularly necessary given that—as noted below—the RDEIR expressly contains no cap on the number of trucks entering or exiting the facility.
- CCAEJ-12 The RDEIR states that of these 2,432 truck trips, only 60.3 percent will be 4+ axle trucks, 17.7 percent will be three axle trucks, and 22 percent will be 2 axle trucks. Larger trucks are likely to have significantly larger amounts of emissions of DPM, GHGs, and other pollutants. Although the RDEIR’s Air Quality Impact Analysis claims these percentages were obtained from the traffic analysis (RDEIR, Appx. F at 43-44), no such percentages appear to occur in the traffic analysis. These figures appear to originate in footnote 31 of the Air Quality Impact Analysis, which references a “High Cube Warehouse Trip Rate Study for Air Quality Analysis.” In reviewing the trip counts data,<sup>5</sup> there is a broad range of percentages and some facilities have more than 60.3 percent trips by 4+ axle trucks. In addition, it is unclear whether some of the listed facilities are retail locations or logistics facilities, given some of the facilities have the names of retail stores like Home Depot and Ralphs. In short, the RDEIR does not provide substantial evidence that the truck mix at this Project will be the same as this reported average. This is problematic because if there is a higher level of larger (e.g., 4+ axle trucks), then the DPM emissions, health risks, air pollution, and GHG emissions of the Project will be significantly higher. The RDEIR can address this issue by putting enforceable caps on the number of each type of trucks that may arrive at the facility per day.
- CCAEJ-13 ***Necessary Cumulative Assessment***  
CEQA defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The RDEIR also does not mention other industrial projects that lie close to the proposed project. The omission of these project’s existing impacts fail to give a comprehensive assessment thus creating misleading information on the severity of the proposal. Just last year, the unincorporated area of Bloomington saw the Bloomington Industrial Facility get approved by the San Bernardino County planning commission. This warehouse is directly across from Zimmerman Elementary School, one of the four schools that this proposed project will also affect. There is also a significant concentration of warehouses on Slover Avenue that will eventually engulf the interior neighborhood if this project is to proceed. The RDEIR must take into consideration these developments if they are to state they did a thorough investigation of possible impacts. The exclusion of these warehouses will ultimately result in an inadequate cumulative assessment, and at the very least the DEIR section on Cumulative impacts must be revised entirely.
- CCAEJ-14 The RDEIR’s “analysis” regarding the cumulative air pollution impacts of the Project is inadequate and misleading. The RDEIR claims that the “total maximum estimated cancer risk associated with the cumulative projects identified above is estimated to be 24.68 in one million,” (RDEIR at 4.2.2-25) which is over twice the SCAQMD threshold of significance of 10 in one million. Despite

CCAEJ-14 cont. conceding that the Project will add 3.79 incidents of cancer in one million, the RDEIR claims this increase is “not significant, nor cumulatively considerable.” (RDEIR 4.2.246.) In other words, the RDEIR is claiming that an increase in cancer rates for people near the Project from 24.68 in one million to 28.47 is not significant. This is over a 15 percent increase in cancer rates—when the baseline is already over twice the acceptable limit. Again, the RDEIR fails to objectively disclose the risks of the Project and instead attempts to mislead the public and decision-makers by downplaying the increase in cancer that will be caused by the Project.

CCAEJ-15 The Project would also affect several areas that are in violation of the Clean Air Act’s National Ambient Air Quality Standards (“NAAQS”). The South Coast Air Basin is in extreme nonattainment for the 2008 8-hour ozone standard, moderate nonattainment for the 2012 PM 2.5 standard, serious nonattainment for the 2006 PM 2.5 standard, and moderate nonattainment for the 1997 PM 2.5 standard.<sup>2</sup> State and local air agencies determined that attainment required massive emission reductions from all pollution sources, even in the absence of any growth in emissions associated with new projects, if these areas are to attain the standards. The EIR fails to adequately address the project’s significant increase in emissions in the South Coast Air Basin and adequately analyze to what extent the ambitious reductions required under the State Implementation Plans will be hindered by the project.

CCAEJ-16 The EIR must assure that the Project would not conflict with SCAQMD air quality management plans (“AQMP”), the Southern California Association of Governments (“SCAG”) 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”), and the SCAG 2016–2040 RTP/SCS. The EIR must provide substantial evidence that the cumulative development in the South Coast Air Basin will not exceed the projections underlying those plans. Conclusory statements that the projects do not conflict with those standards does not provide the public or decision makers with the information necessary to make an informed decision on the environmental impacts, mitigation measures, or alternatives related to the Project.

CCAEJ-17 ***Failure to include an analysis of Environmental Justice Communities.***  
Fairness, in the context of the dEIR, means that the benefits of a healthy environment should be available to all residents of the city of Fontana and the burdens of inequitable investments should not be focused on sensitive populations or on communities that already are experiencing its adverse effects. “Environmental justice cannot be achieved . . . simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development<sup>3</sup>.” To the extent, the deficiencies in the DEIR have a disproportionate and adverse impact on the the residents of the West Valley project area

The passage of Senate Bill 1000 (Leyva, 2016), Planning for Healthy Communities Act, was designed to improve local planning efforts to reduce negative disproportionate environmental, public health

<sup>2</sup> U.S. EPA, Nonattainment Areas for Criteria Pollutants (Green Book), available at <https://www.epa.gov/green-book>

<sup>3</sup> Kamala D. Harris, Attorney General, Environmental Justice at the Local and Regional Level, available at: [http://oag.ca.gov/sites/all/files/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet.pdf).



CCA EJ-17  
cont.

and public safety impacts on California’s most vulnerable residents by ensuring that local governments include Environmental Justice Elements and/or policies in General Plans when they are updated. Currently, the City of Fontana will embark on a General Plan Update Process and an adequate analysis of the West Valley Logistics Center should be consistent with current law. We are disappointed to note the failure to include the mention of Environmental Justice Communities. We recommend a specific analysis on impacts and mitigation measures for all EJ communities to meet minimum standards of analysis in the DEIR.

Thank you for the opportunity to submit comments. We urge the planning department to extend the comment period and allow a fair and adequate CEQA process to proceed. We welcome sustained collaboration with the City of Fontana and will continue to engage in all processes regarding the proposed project. We look forward to your feedback.

\_\_\_\_\_

## **2.3.19 Center for Community Action and Environmental Justice**

### **Response to Comment CCAEJ-1**

This comment provides a description of the area surrounding the project site and raises concerns regarding the compatibility of the proposed project with surrounding neighborhoods. See Response to Comment SBC-29 for discussion of “land use compatibility.”

### **Response to Comment CCAEJ-2**

No evidence is provided in this comment to support its assertion that the EIR neglects to recognize existing conditions. Existing conditions for air quality are presented starting on page 4.2.2-1 of the 2<sup>nd</sup> RDEIR. The traffic, noise and health risk analyses set forth in the 2<sup>nd</sup> RDEIR all acknowledge and evaluate the truck use that will result from the proposed project. For example, the EIR’s Project Description clearly identifies the project site’s location in relation to adjacent residential neighborhoods. Both the TIA and its noise analysis identifies the locations of sensitive uses in relation to the project site and proposed truck routes. The 2<sup>nd</sup> RDEIR analyzes local significance thresholds for air quality and includes an HRA to address potential impacts to nearby neighborhoods.

See Response to Comment CCAEJ-8 for discussion of cumulative air quality impact analysis.

### **Response to Comment CCAEJ-3**

The 2<sup>nd</sup> RDEIR appropriately analyzes on-site idling and off-site vehicle travel on the study area roadways. The average vehicle speed selected for off-site travel in the analysis is an average 15 miles per hour, which is substantially less than the posted speed limit in the vicinity of the project site to effectively account for any off-site idling that might occur at intersections and thereby result in a conservative estimate of off-site traveling emissions. It is important to note that the greatest potential impact resulting from the project would occur near the loading docks where idling is specifically accounted for.

Furthermore, it should be noted that off-site idling is also accounted for in CalEEMod in the overall emissions calculations that are based on the statewide EMFAC 2014 emissions inventory model. As such, no additional analysis is required to account for idling beyond the area of the loading docks since the analysis in the 2<sup>nd</sup> RDEIR already accounts for a conservative (i.e., health protective) standard of care by overestimating emissions.

### **Response to Comment CCAEJ-4**

The City will provide all future public hearing notices in Spanish. Translation during the public hearing will not be available.

### **Response to Comment CCAEJ-5**

This comment asserts “all the residents in the project area failed to receive notification.” Based on review of the City’s records, property notification for availability of the EIR and Planning Commission meetings for review of that EIR were, in fact, provided.

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project, although specific written responses to such comments will not be prepared.

### Response to Comment CCAEJ-6

The 2<sup>nd</sup> RDEIR appropriately evaluates the project's regional air quality emissions within the context of the air basin (see 2<sup>nd</sup> RDEIR at pages 4.2.2-31 and 4.2.2-34), and more specifically evaluates the localized impacts of the project when added to ambient monitored concentrations in the vicinity (see 2<sup>nd</sup> RDEIR pages 4.2.2-41, 4.2.2-42, and 4.2.2-43). Additionally, an HRA was prepared in the 2<sup>nd</sup> RDEIR and evaluates project diesel impacts based on truck travel for more than four miles off-site given the project's location (see 2<sup>nd</sup> RDEIR page 4.2.2-18). The HRA includes modeling of sensitive receptors along the modeled truck routes. The 2<sup>nd</sup> RDEIR also evaluates the potential health impacts at the Walter Zimmerman Elementary School (see 2<sup>nd</sup> RDEIR at page 4.2.2-45). Lastly, as noted in the 2<sup>nd</sup> RDEIR at page 4.2.2-45:

"It should be noted that the Walter Zimmerman Elementary School is estimated to have the greatest potential exposure to DPM emissions due to truck travel patterns and meteorological conditions. It should also be noted that there are no other schools located within 1,000 foot distance of the project site. As such, there may be other schools located more than 1,000 feet from the project; however, any impacts at other schools would be less than what has been disclosed for the Walter Zimmerman Elementary School."

### Response to Comment CCAEJ-7

The 2<sup>nd</sup> RDEIR correctly evaluates potential impacts from diesel exhaust associated with trucks accessing the project site (see 2<sup>nd</sup> RDEIR at pages 4.2-43 through 4.2-46). The 2<sup>nd</sup> RDEIR also correctly evaluates the project's impacts with respect to ROG, NO<sub>x</sub>, CO, PM10, and PM2.5 (see 2<sup>nd</sup> RDEIR at pages 4.2.2-31, 4.2.2-34, 4.2.2-41, 4.2.2-42, and 4.2.2-43). Lastly, the project does not rely on a conservative diesel-powered truck improvement prediction – the Specific Plan includes a *requirement* that heavy diesel trucks would meet or exceed 2010 model year engine standards (see 2<sup>nd</sup> RDEIR at page 4.2.2-25 for a detailed summary of Specific Plan Requirement SP-AQ-3).

### Response to Comment CCAEJ-8

The 2<sup>nd</sup> RDEIR correctly evaluates potential impacts with respect to the AQMP (see 2<sup>nd</sup> RDEIR at pages 4.2-27 through 4.2-29). The commenter does not provide any evidence as to how this one project might affect attainment of air quality standards for the entire air basin within the context of the AQMP. Further, the commenter's reference to the Indirect Source Rule appears to be a reference to an adopted program in the San Joaquin Valley that does not apply to the SCAQMD jurisdiction. Lastly, at this time, the SCAQMD has not adopted any applicable indirect source rule fees or methodology that can be applied to CEQA projects within the South Coast Air Basin.

As identified in Impact AQ-3 (see 2<sup>nd</sup> RDEIR at page 4.2.2-40), the 2<sup>nd</sup> RDEIR has already disclosed that the project has the potential to result in a significant impact.

## Response to Comment CCAEJ-9

The 2<sup>nd</sup> RDEIR correctly identifies the potential health impacts to site-adjacent and any “environmental justice” (EJ) communities in the project vicinity. The 2<sup>nd</sup> RDEIR provides an assessment that addresses “environmental justice” communities in two ways:

- (1) The 2<sup>nd</sup> RDEIR identifies localized criteria pollutant impacts consistent with the SCAQMD’s LST Methodology, which was developed by SCAQMD as part of its own environmental justice initiative.
- (2) The 2<sup>nd</sup> RDEIR identifies the potential cancer and non-cancer impacts from diesel exhaust to the surrounding community.

In these ways, the HRA was comprehensive, complete, and consistent with the HRA preparation guidelines of the SCAQMD. The results of the air quality and HRA analyses indicate that there are no significant health impacts on site-adjacent receptors. As such, impacts to any other affected “environmental justice” communities in the City would be equal to or less than what is already disclosed in the 2<sup>nd</sup> RDEIR and no additional analysis is required.

## Response to Comment CCAEJ-10

The SCAQMD’s and CARB recommended buffer of 1,000 feet is based on the CARB Handbook (April 2005), which recommends a buffer distance of at least 1,000 feet between land uses that will have 100 or more trucks per day. However, CARB’s guidance, on page 5 of the Handbook, acknowledges that the recommendations are in fact advisory and “to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from DPM will decrease over time as cleaner technology phases in.” The Handbook goes on to state that “these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists.”

The 2<sup>nd</sup> RDEIR includes a site-specific HRA based on the geospatial location of the proposed development, existing sensitive land uses in the vicinity of the project site, and the truck travel routes that are expected to be utilized. This is a site-specific analysis, consistent with the CARB Handbook. As shown in the 2<sup>nd</sup> RDEIR, the project would not pose a significant health risk associated with DPM to sensitive receptors in the project vicinity.

Furthermore, the 1,000-foot recommendation is based on the fact that several health studies identified in the CARB Handbook clearly show that emissions from a particular source decline rapidly after 1,000 feet. As such, there would be no greater impact to any receptors located a half-mile, 1 mile, 1.5 mile, and 2-miles from the project site and no further analysis is required.

## Response to Comment CCAEJ-11

The methodology used to describe how the project’s truck trip generation was determined is laid out in detail starting on page 4.2.15-26, including information on determining the number of daily and peak hour truck trips, number of truck trips in terms of “passenger car equivalents,” and truck mix by axle-type. As discussed in the EIR, these determinations were based on trip rates published by ITE, which is the definitive source of information for determining the traffic generation characteristics of industrial and other types of land uses. The EIR utilized the ITE 9<sup>th</sup> Edition *Trip Generation Manual*. A supplemental focused traffic assessment was prepared to evaluate the study area intersections using the latest ITE *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017. The 10<sup>th</sup> Edition

Manual sets forth lower trip generation for many land uses in comparison to the 9<sup>th</sup> Edition *Trip Generation Manual*. As such, impacts and improvement needs at study area intersections are consistent with or less than those identified in the TIA. Based on the most recent 10<sup>th</sup> Edition ITE *Trip Generation Manual*, the project would generate only 1,435 daily truck trips compared to the 2,432 daily truck trips analyzed in the 2<sup>nd</sup> RDEIR. Thus, the EIR currently analyzes approximately 1,000 more daily truck trips than the most recent ITE *Trip Generation Manual* projects would actually be generated by the proposed project.

## Response to Comment CCAEJ-12

See Response to Comment EEJG-15 and the related attachment for discussion of the truck mix and axle types used in the project traffic analysis. The 2<sup>nd</sup> RDEIR correctly models the truck trips and associated mix of trucks consistent with the TIA (Appendix L of the 2<sup>nd</sup> RDEIR). As shown on Table 4.2.15-11 at page 4.2.15-27 of the 2<sup>nd</sup> RDEIR, the project would result in 535 2-axle truck trips, 430 3-axle truck trips, and 1,467 4-axle truck trips for a total of 2,432 truck trips. As such, 535 2-axle truck trips represents 22 percent of the total number of truck trips, 430 3-axle truck trips represents 17.7 percent of the total truck trips, and 1,467 4-axle truck trips represents 60.3 percent of total truck trips, which is consistent with the underlying modeling of the 2<sup>nd</sup> RDEIR. For ITE land use code 150 (warehousing) and 152 (High-Cube Warehousing) the percentage of trucks has been determined from the table shown on page 267 of the ITE *Trip Generation Manual*. As shown on page 267, truck trip generation rate for weekday daily traffic is 0.64 or 38.1 percent of total traffic (see page 100 of Appendix L of the 2<sup>nd</sup> RDEIR).

Limiting the number of trips is not a requirement under CEQA, which requires a project to evaluate reasonable and foreseeable impacts. The number of daily truck trips has been reasonably estimated based on data from the ITE as discussed in the HRA and air quality impact analysis, and 2<sup>nd</sup> RDEIR. It should be noted that imposing a cap on daily trucks at the facility will not “avoid or substantially” lessen the estimated emissions. Therefore, this would not mitigate estimated emissions. Moreover, limiting daily truck visits could result in the unintended adverse effect of trucks idling and queuing outside of the facility until midnight of the following day if the facility’s limit is reached on a given day. This would result in increased emissions, and potentially added traffic congestion around the facility.

## Response to Comment CCAEJ-13

The commenter notes that the 2<sup>nd</sup> RDEIR does not mention “other” industrial projects that lie close to the proposed project. However, the comment only identifies the Bloomington Industrial Facility, which was, in fact, included in the 2<sup>nd</sup> RDEIR’s analysis of cumulative impacts (see 2<sup>nd</sup> RDEIR at page 6-4). The Bloomington Industrial Facility is listed as cumulative project SB-1 with a description of “677,000 sq. ft. of high cube warehouse uses” located on the “NW Corner of Cedar Ave and Jurupa Ave.” The cumulative analysis accurately reflects the severity and significance of the cumulative impacts that can be anticipated.

## Response to Comment CCAEJ-14

The 2<sup>nd</sup> RDEIR correctly utilizes the SCAQMD’s well established cancer risk threshold of whether or not a project would result in an *incremental cancer risk* greater than 10 in one million. The use of this threshold is further discussed in the 2<sup>nd</sup> RDEIR on page 4.2.2-46. Further, as identified in the HRA report, the SCAQMD has published a report on how to address cumulative impacts from air

pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*.<sup>3</sup> In this report the SCAQMD clearly states (page D-3):

“...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.”

As such, the appropriate cumulative impact threshold is applied in the 2<sup>nd</sup> RDEIR and no additional analysis is required.

### Response to Comment CCAEJ-15

See Responses to Comments CCAEJ-6 and CCAEJ-8. As previously stated, the 2<sup>nd</sup> RDEIR evaluated localized impacts from the project and determined that there would be no exceedances of the ambient air quality standards. Although the project exceeds the regional emissions thresholds for PM<sub>2.5</sub>, this does not mean that the project would affect statewide attainment status designations. As evidenced by the 2<sup>nd</sup> RDEIR's LST evaluation, the project would not exceed applicable LSTs and therefore would not exceed applicable ambient air quality standards.

It should also be pointed out that the discussion under Impact AQ-3 (page 4.2.2-40) did disclose that the project's VOC and NO<sub>x</sub> emissions are ozone precursors and that they would contribute to existing ozone non-attainment conditions within the South Coast Air Basin.

### Response to Comment CCAEJ-16

The 2<sup>nd</sup> RDEIR includes a detailed analysis with consistency to the AQMP and ultimately determines that the project has the potential to conflict with and would result in a significant impact with respect to the AQMP. The 2<sup>nd</sup> RDEIR also includes a consistency analysis with the Southern California Association of Governments' (SCAG's) 2016–2014 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) as summarized on pages 4.2.10-33 and 4.2.10-34, as shown, the project would be consistent with SCAG's RTP/SCS.

### Response to Comment CCAEJ-17

The commenter correctly states that the “City of Fontana will embark on a General Plan Update Process” in accordance with Senate Bill 1000, which requires cities and counties to include environmental justice elements in general plan updates, starting in 2018. Once the City completes this process and approves a General Plan, the environmental justice objectives will be applicable to

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<sup>3</sup> SCAQMD. 2003. *White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution*. August. Available: <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>.

future projects. However, there are not yet such objectives in the City's General Plan. The balance of the comment does not concern the adequacy of the 2<sup>nd</sup> RDEIR or provide an indication of any specific concerns with the environmental analyses or conclusions set forth in the 2<sup>nd</sup> RDEIR.

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### Bloomington Municipal Advisory Council

[www.SBCounty.gov](http://www.SBCounty.gov)

#### Comment Letter BMAC

Larry Burgos, Chair  
Jackie Cox, Vice-Chair  
Gary Grossich  
Betty Gosney  
Israel Fuentes  
Eric Scott, Alternate

April 10, 2018

Orlando Hernandez, Senior Planner  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

RE: NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE WEST VALLEY LOGISTICS CENTER

Mr. Hernandez:

As Chair of the Bloomington Municipal Advisory Council (MAC), I submit this letter outlining the MAC's objections related to the proposed West Valley Logistics Center (WVLC) near Jurupa & Locust Avenues, immediately adjacent to the unincorporated community of Bloomington.

BMAC-1 | As proposed, the WVLC identifies Jurupa Avenue, Alder Avenue and Locust Avenue as the principle routes for truck traffic generated by the facility. According to the traffic study, this will generate more than 4200 truck trips through Bloomington per day, on County maintained roads. The exponential increase in truck traffic will severely impact our county maintained roads. As it stands, there is no proposed mitigation to offset the on-going costs for road maintenance, nor sufficient improvements to mitigate the trucks traveling through residential neighborhoods and directly passing by two school sites. Consideration has not been given to mitigating impacts in Bloomington for noise, air quality, pedestrian accessibility, etc., all generated by this proposed project.

BMAC-2 | Bloomington is currently in the process of updating its community plan, which identifies areas for industrial, commercial, and residential growth. Throughout the community plan process, the MAC has reiterated that any new development in Bloomington must yield a net benefit to the community. Benefits from any new development may come by way of new commercial and retail opportunities for residents, and also must generate infrastructure improvements, jobs, and revenue to support increased county services. The WVLC is located in the City of Fontana and will generate little to no direct benefit for the Bloomington community, yet the burden of truck traffic is disproportionately directed into Bloomington.

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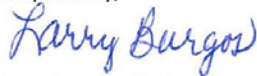


NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT  
REPORT FOR THE WEST VALLEY LOGISTICS CENTER  
APRIL 10, 2018  
PAGE 2 of 2

BMAC-4 | The MAC understands Fontana's desire to entice development in your city; however, to ask the residents of Bloomington to shoulder the impact of development without proportionate mitigation is inappropriate and unreasonable.

BMAC-5 | We strongly encourage the Fontana Planning Commission to deny certification of the Draft Environmental Impact Report (DEIR), and to ultimately deny the requested General Plan Amendment, as well as any subsequent Conditional Use Permit for the WVLC project as proposed.

Respectfully,



Larry Burgos, Chair  
Bloomington MAC

cc: Supervisor Josie Gonzales, Board of Supervisors  
Gary McBride, CEO, County Administrative Office  
Dena Fuentes, Deputy Executive Officer, County Administrative Office  
Terri Rahhal, Planning Director, County Land Use Services Department  
Kevin Blakeslee, Director, County Department of Public Works

## 2.3.20 Bloomington Municipal Advisory Committee

### Response to Comment BMAC-1

This introductory paragraph to the Municipal Advisory Committee's comment letter expresses the Committee's opinion regarding the proposed project and does not raise any substantive issues regarding the information, analysis, mitigation measures or conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment BMAC-2

This comment mischaracterizes information contained in the 2<sup>nd</sup> RDEIR. Figure 3-10 of the 2<sup>nd</sup> RDEIR indicates proposed truck routes. As shown, Alder Avenue is not proposed as a truck route. The only portion of Alder Avenue that would carry project-related truck traffic is the short cul-de-sac west of Locust Avenue. As shown in EIR Table 4.2.15-13, the project would generate 3,242 daily truck trips. A supplemental focused traffic assessment was prepared to evaluate the study area intersections using the latest ITE *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017, as requested by the San Bernardino County Department of Public Works. Based on the most recent ITE *Trip Generation Manual*, the project would generate only 1,435 daily truck trips.

The 2<sup>nd</sup> RDEIR identifies the following improvements and funding contributions that would be made to as part of the project:

- Widen Locust Avenue between Jurupa Avenue and Slover Avenue to provide four travel lanes with a pavement section adequate to support proposed truck traffic. As stated in the WVLCSP, Locust Avenue would be initially improved with one travel lane in each direction, with widening to two lanes in each direction undertaken at such time as traffic warrants.
  - *Locust Avenue/Slover Avenue* intersection: provide northbound left-turn lane, westbound left-turn lane, and northbound right-turn lane.
- Provide full half-width roadway improvements along the south side of Jurupa Avenue from Locust Avenue to Kessler Park, where full half-width improvements along the south side of Jurupa Avenue are currently in place.
- Widen the westbound approach of Jurupa Avenue to Locust Avenue to accommodate a westbound left-turn pocket.
- Provide traffic signals at the following intersections:
  - Locust Avenue /Jurupa Avenue (construct)
  - Locust Avenue/11<sup>th</sup> Street (construct)
  - Locust Avenue/7<sup>th</sup> Street (construct)
  - Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the San Bernardino County Regional Transportation Development Mitigation Program)
  - Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County) Mitigation Measures for the project's noise impacts are set forth in EIR Section 4.2.11 and Mitigation Measures for air quality impacts are set forth in 2<sup>nd</sup> RDEIR Section 4.2.2. In relation to pedestrian accessibility, the project will install or pay 100 percent of the cost of traffic signals at the following five intersections:

- Locust Avenue at Jurupa Avenue, 11<sup>th</sup> Street, and 7<sup>th</sup> Street
- Slover Avenue at Linden Avenue and Maple Avenue

While the proposed project would not be required to make annual payments to the County for maintenance of County roadways, as stated in the WVLCSP, the proposed project will provide improvements (e.g., pavement thickness, lane widths, curb returns for truck turning movements) along the primary truck routes to the I-10 and SR 60 freeways to accommodate truck travel and provide adequate site distance and room for turning movements.

### **Response to Comment BMAC-3**

As stated in EIR Section 4.2.12, development of the proposed project would create approximately 2,900 permanent jobs and thereby contribute to a local increase in long-term employment opportunities. In addition to the roadway improvements identified in Response to Comment BMAC-2, the proposed project would provide improvements to the area's water, wastewater, and storm drainage systems.

### **Response to Comment BMAC-4**

As discussed in Responses to Comments BC-2 through BC-5, all feasible mitigation measures have been considered in the 2<sup>nd</sup> RDEIR relative to impacts both within and outside of the City of Fontana, and no further mitigation is required.

### **Response to Comment BMAC-5**

This concluding paragraph of the Municipal Advisory Committee's comment letter expresses the Committee's opinion regarding the proposed project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the 2<sup>nd</sup> RDEIR.

Comment Letter RTA

Orlando Hernandez  
 City of Fontana – Planning Division  
 8353 Sierra Ave.  
 Fontana, CA 92335

April 23, 2018

**Comments regarding the 2<sup>nd</sup> Recirculated Draft Environmental Impact Report (RDEIR) for the proposed West Valley Logistics Center Project:**

- RTA-1 [ We appreciate the opportunity to comment on the above mentioned document. After our extensive research we are surprised that this project is still being pursued given the severity of negative impacts to the area and the enormous amount of negative comments received from multiple government agencies, nearby municipalities, and local residents. While this project is located in Fontana, a vastly disproportionate amount of burden and impact (including increased health risks) are directed to the surrounding communities who receive zero benefit.
- RTA-2 [ The RDEIR lists several significant impacts to air quality, pollution, noise levels, and traffic conflicts that all exceed permitted thresholds even after mitigation. Many experts have responded that the data and modeling are outdated, incorrect and understated. Therefore, there will be even greater impacts than the current modeling predicts. The RDEIR lists these impacts as significant and unavoidable; however, that is incorrect. These impacts are avoidable by following the existing development plans and zoning and NOT BUILDING the Logistics Center. These impacts are due to one - and only one - reason, the proposed Logistics Center is not an appropriate development for this area! Frankly, if Fontana would adhere to its existing and approved zoning and specific plan these significant negative impacts will not occur.
- RTA-3 [ ]
- RTA-4 [ ]
- RTA-5 [ The RDEIR includes several mitigation measures. Upon closer examination, many (if not most) of the mitigation measures are unenforceable and only serve to make the impacts seem less detrimental than they actually are. For example, some mitigation measures use the words “to the extent feasible”. Who determines and enforces “feasible”? Other mitigation measures limit the amount of time that the equipment or truck engines will be allowed to idle. How is this enforced and what are the specific penalties for non-compliance? And yet another example for dust suppression is to “sweep the streets once per day if visible soil materials are carried over to adjacent streets”. Will this be only for Fontana streets or also the surrounding communities (including Jurupa Valley) and once again who enforces this mitigation measure? Clearly many of the mitigation measures are only pencil-whipping the document and will not or cannot be enforced.
- RTA-6 [ ]
- RTA-7 [ ]
- RTA-8 [ ]
- RTA-9 [ Although there are inconsistencies in the truck routing portion of the RDEIR it seems that the City of Fontana will prevent truck traffic on Sierra Ave and will not extend the private portion of Alder Ave to allow truck traffic flow. It is absurd that Fontana propose this project with significantly increased traffic and not allow the use of streets within their city; thereby forcing the surrounding communities to suffer from the increased traffic, noise, pollution and road maintenance issues. If Fontana desires to develop these types of projects then they need to primarily accept the significant impacts that come with the project within the boundaries of their city.
- RTA-10 [ ]

RTA-11 This project is not being planned for an uninhabited area. There are existing residences bordering three sides of the proposed project. This development would be shoe-horned into an existing residential area comprised of mostly single-family homes, many of which are located in a rural, low-density, equestrian-centric, peaceful setting. There are also several schools and churches nearby. This project may have been viable if completed before the area had been developed as a residential area, but that is not the case. Trying to change the plan and zoning at this point is ill-advised, unsafe, and inappropriate for the existing residents.

RTA-12 The RDEIR states that the closest residences to the planned project are only 150 feet away. We would ask that the planning commission and city council members ask themselves this question before rendering a decision. "Would I vote for this ill-advised, unsafe, and inappropriate project if it was located in my neighborhood a mere 150 feet from MY house?"

RTA-13 We look forward to hearing from the city of Fontana that this unsuitable project will not be permitted and that the existing and approved zoning and planning will be honored.

Thank you,  
Richard & Teri Alvarez  
6624 Gillam St  
Jurupa Valley, CA 92509  
(951) 685-1138  
rick@alvarez.com

## 2.3.21 Richard and Teri Alvarez

### Response to Comment RTA-1

This comment expresses the commenter's opinion regarding the proposed project and its environmental effects. It does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### Response to Comment RTA-2

Thresholds of significance represent the criteria used in the West Valley Logistics Center EIR to determine whether an impact is "significant" and therefore requires mitigation. These criteria are based on (a) CEQA-stipulated "mandatory findings of significance," which are specific conditions that the State Legislature and the Secretary of Resources have determined constitute a significant effect on the environment, and are listed in CEQA Guidelines Section 15065; (b) the criteria outlined in CEQA Guidelines Appendix G; and/or (c) commonly accepted practice and the independent judgment of the City of Fontana as Lead Agency in instances where the CEQA Guidelines do not set forth a relevant criterion. Thresholds of significance do not represent limits on what is or is not "permitted."

The 2<sup>nd</sup> RDEIR uses a variety of terms to describe the level of significance of adverse impacts. These terms are defined as follows.

- *Less than significant.* An impact that is adverse but does not exceed the defined thresholds of significance. Less-than-significant impacts do not require mitigation.
- *Significant.* An impact that exceeds the defined thresholds of significance and would or could cause a substantial adverse change in the environment. Mitigation measures are recommended to eliminate the impact or reduce it to a less-than-significant level.
- *Significant and unavoidable.* An impact that exceeds the defined thresholds of significance and cannot be eliminated or reduced to a less-than-significant level through the implementation of mitigation measures.

### Response to Comment RTA-3

This comment sets forth the commenters opinion regarding the number and nature of comments received on the 2<sup>nd</sup> RDEIR and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR beyond those raised in those other comment letters to which Comment RTA-3 refers. Because Comment RTA-3 does not identify specific letters or comments, reference to the City's responses to such comment letters and comments is not possible.

As discussed in Response to Comment BC-7, the project's HRA was recalculated based on the updated project trip generation rates (ITE *Trip Generation Manual* 10<sup>th</sup> edition), as well as the 2015 OEHHA guidelines, which account for age-weighted factors for early life exposures. As demonstrated in the updated HRA, updating that analysis to reflect the most current OEHHA guidance regarding health risk does not result in a significant health risk impact (see Response to Comment BC-7).

As shown in EIR Table 4.2.15-13, the project would generate 3,242 daily truck trips. A supplemental focused traffic assessment was prepared to evaluate the study area intersections using the latest ITE

*Trip Generation Manual*, 10<sup>th</sup> Edition, 2017, as requested by the San Bernardino County Department of Public Works. Based on the most recent ITE *Trip Generation Manual*, the project would generate only 1,435 daily truck trips. Thus, use of the most recent ITE trip generation rates would actually reduce project-generated traffic and resulting noise and mobile source air quality and GHG emissions.

## Response to Comment RTA-4

Under CEQA, “significant and unavoidable” is the appropriate term to use, since such impacts cannot be avoided if the project is approved and implemented even with implementation of all feasible mitigation measures.

The effects of not approving the West Valley Logistics Center and developing the site in accordance with existing General Plan and zoning designations (Valley Trails Specific Plan) are addressed in the EIR as Alternative 2. Under the approved Valley Trails Specific Plan, a maximum of 1,154 homes would be developed, along with an elementary school, parks and trails, and dedicated open space.

As shown in Table 5-9, Alternative 2 would reduce the following impacts as compared to the proposed project: aesthetics, air quality (reduced but still significant and unavoidable), energy, GHG, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, and traffic. Alternative 2 would avoid the significant and unavoidable noise impacts identified for the proposed project but would continue to have significant and unavoidable air quality impacts. Alternative 2 would result in impacts similar to those anticipated to occur under the proposed project in relation to geology and soils and land use and planning. Impacts would be greater than the proposed project for population and housing, public services, recreation and utilities and service systems because of the increase in residential population under Alternative 2.

## Response to Comment RTA-5

With the exception of mitigation measures for traffic impacts outside the City of Fontana for which actions by other agencies are required that the City cannot enforce, all mitigation measures set forth in the 2<sup>nd</sup> RDEIR are enforceable as required by CEQA and outlined in the project’s MMRP (see Final EIR Chapter 4).

Only two mitigation measures—Mitigation Measures CUL-2 and HAZ-2—use the phrase “to the extent feasible.” Mitigation Measure CUL-2 addresses measures to be undertaken should previously unknown cultural resources be uncovered during site grading. This measure calls for avoiding such a resource “to the extent feasible.” Where avoidance is not feasible, the resource “shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary. Disturbance and other adverse effects on any resource determined to be eligible shall be avoided. Should avoidance be infeasible, adverse effects shall be mitigated.”

Mitigation Measure HAZ-2 addresses clearing of areas of dry vegetation or other potential fire fuels on or near staging areas, welding areas, or any other areas on which equipment will be operated during construction. In relation to this mitigation measure, “to the extent feasible” would be defined by potential impacts on biological resources. The City of Fontana will issue grading and construction permits only after it determines that such grading and construction can be safely accomplished. Because the entirety of the development area will be graded, the phrase “to the extent feasible” is not necessary. Mitigation Measure HAZ-2 will be revised to read as follows:

**Mitigation Measure HAZ-2: Clear Materials that Could Serve as Fire Fuel from Construction Areas.** Prior to ground clearing, grading and other ground disturbance construction activities contractors will clear areas of dry vegetation or other potential fire fuels on or near staging areas, welding areas, or any other areas on which equipment will be operated. The City will require contractors to maintain areas subject to construction activities clear of combustible natural materials ~~to the extent feasible~~ to maintain firebreaks and minimize the availability of fire fuels. Proposed staging areas to be cleared will be identified with the assistance of a qualified biologist to avoid conflicts with policies to preserve protected habitat areas. Staging and clearing will not be permitted in protected habitat areas. This requirement will be included on project construction plan specifications and reviewed for approval by the Fontana Fire Protection District prior to issuance of grading permits.

The City of Fontana will make determinations as to what is or is not feasible.

### **Response to Comment RTA-6**

Limits on the time that equipment is to be permitted to idle when not in use is based on the CARB anti-idling rule, which can be found in Title 13 of the California Code of Regulations, Section 2485, limiting idle times to not more than 5 minutes. As such, this measure represents a requirement of law. Construction contractors and building operators would be required by contract specifications that equipment, including heavy-duty equipment, motor vehicles, and portable equipment, be turned off when not in use for more than 5 minutes.

See Responses to Comments BC-7, EEJG-20, SCAQMD-8, and SCAQMD-9 for discussion of limits on diesel idling.

### **Response to Comment RTA-7**

The provisions of Mitigation Measure AQ-1: Incorporate Dust Suppression Measures require construction contractors to implement the dust suppression measures set forth in the SCAQMD CEQA Air Quality Handbook. This measure would be enforced through City of Fontana review of construction contracts prior to approval of grading permits. Among the specific requirements of this measure is to “Sweep all streets once per day if visible soil materials are carried to adjacent streets.” This measure refers to soils materials being deposited from the project site onto adjacent streets during site grading. Typically, this could occur at project site entries. However, Mitigation Measure AQ-1 is not specifically limited to streets within the City of Fontana. Enforcement of all EIR mitigation measures is the responsibility of the City of Fontana unless specifically delegated to another agency in the MMRP (see Final EIR Chapter 4).

### **Response to Comment RTA-8**

This comment provides the commenter’s opinion regarding EIR mitigation measures and their implementation. With the exception of mitigation measures for traffic impacts outside the City of Fontana for which actions by other agencies are required that the City cannot enforce, all mitigation measures set forth in the 2<sup>nd</sup> RDEIR are enforceable and will be implemented as required by CEQA and outlined in the project’s MMRP (see Final EIR Chapter 4).

### **Response to Comment RTA-9**

See Response to Comment SBC-2(b).



### **Response to Comment RTA-10**

The WVLCSP is proposed by UST-CB Partners, L.P. and not the City of Fontana. Project-related impacts in relation to traffic, noise, and air quality are addressed in EIR Sections 4.2.15, 4.2.11, and 4.2.2, respectively. While the proposed project would not be required to make annual payments to San Bernardino County or the City of Jurupa Valley for maintenance of County or Jurupa Valley roadways, as stated in the WVLCSP, the proposed project will provide improvements (e.g., pavement thickness, lane widths, curb returns for truck turning movements) along the primary truck routes to the I-10 and SR 60 freeways to accommodate truck travel and provide adequate site distance and room for turning movements (see Response to Comment BMAC-2).

### **Response to Comment RTA-11**

This comment expresses the commenter's opinion regarding the proposed project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment RTA-12**

This comment expresses the commenter's opinion regarding the proposed project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment RTA-13**

This concluding paragraph expresses the commenter's opinion regarding the proposed project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

## **2.4 Responses to Comments Received at the Planning Commission Meetings on the 2<sup>nd</sup> Recirculated Draft EIR**

Following are the comment letters and responses to comments received on the 2<sup>nd</sup> RDEIR (March 2018) Planning Commission meetings held on March 22, 2018 and April 17, 2018.

Comment Letter PC1

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TRANSCRIPT OF  
FONTANA PLANNING COMMISSION  
ITEM F  
MARCH 20, 2018

NOBLE TRANSCRIPTION SERVICES - 714.335.1645

1 MR. SANCHEZ: Thank you for your patience. On  
2 this next item tonight, we're only going to be taking  
3 public comment. We're not mak- -- we're not making  
4 decisions tonight, we're just taking public comment,  
5 so we can note it for the record, and our own comment.

6 It's master case number -- item F is master case  
7 number 13-034, general plan amendment number 11-026,  
8 zone code amendment number 11-016, specific plan  
9 amendment number 11-003, tentative parcel map number  
10 19156, development agreement number 11-002, draft  
11 environmental impact report state clearinghouse number  
12 2012071058 Ves- -- West Valley Logistics Specific Plan  
13 Project. Uh, and our planner is Mr. Orlando Hernandez.

14 MR. HERNANDEZ: Thank you, again, and, uh, the,  
15 uh, following project is to go over the, uh -- uh,  
16 draft environmental impact report for the West Valley  
17 Logistics Specific Plan Project.

18 Um, as you know, what we do with projects that  
19 require EIRs, uh, during the public review period, we  
20 -- we hold a, uh, public hearing to give the residents  
21 and the commission the, uh, opportunity to make  
22 comments.

23 This meeting is not required by CEQA, um,  
24 however, it's been a policy by the city, which gives,  
25 um -- gives us an opportunity to get your comments,

1     uh, prior to formerly coming for either approval or a  
2     recommendation for approval and also, to give the  
3     residents, uh, an opportunity to make comments as  
4     well.

5             Again, the project, um, applicant is UST-CB  
6     Partners, uh, and as you can see by the entitlement,  
7     um, project numbers, this project has been in the  
8     process for a few years, probably about six, seven  
9     years now.

10            Uh, the, uh, purpose of today's, uh, hearing is,  
11     again, to receive public comments from, uh, the  
12     residents as well as, uh, any, uh, agencies and the  
13     planning commission.

14            Uh, we would like for the commission, also, to  
15     direct staff to, uh, address those comments.

16            And, uh, just for -- for the record, uh, the last  
17     day to provide, uh, comments will be March 26th, uh,  
18     which will be next -- next Monday.

19            Again, the project is located on the southeastern  
20     portion of the city, that would be south of Jurupa  
21     Valley on, uh, Locust Avenue on both the east and west  
22     side.

23            It's approximately 291 acres. Uh, the -- the site  
24     is actually -- has an approved specific plan, which is  
25     called Valley, uh, Trails Specific Plan. It is a

1 residential specific plan that was adopted, uh, I want  
2 to say, about 10, 12 years ago.

3 Uh, the applicant is proposing to change the  
4 residential to industrial and as part of that, there's  
5 a process they have to go through and submit, uh,  
6 several applications.

7 One is a general plan amendment, again, to change  
8 it from residential to industrial, um, as zone -- zone  
9 code amendment as well.

10 Uh, there's also another general plan amendment  
11 to change the circulation of one of the streets and  
12 again, currently, it's -- it's a specific plan, but  
13 it's a residential that's called Valley Trails  
14 Specific Plan.

15 So they want to change that as well to, uh -- to  
16 the West Valley Logistics Specific Plan. Along with  
17 those applications, uh, they have also submitted a  
18 tentative parcel map.

19 Uh, this is to subdivide the entire area, the 291  
20 acres into 9 lots. Seven of those lots would  
21 accommodate development of, uh -- um, industrial  
22 logistic, uh -- uh, buildings.

23 Uh, in addition to those applications, there's  
24 also development agreement, uh, that, uh, has been  
25 submitted.

1           Those, uh, entitlement applications along with  
2           the DA will come back before the planning commission  
3           for consideration and a recommendation to the city  
4           council.

5           Uh, just to give you a little bit of a, uh,  
6           background and a, uh, breakdown of the proposal, uh,  
7           again, 291 acres, uh, they're proposing a total of 7,  
8           uh, buildings.

9           Uh, the overall square footage, as you can see,  
10          it's, uh, roughly 3.4, almost 3.5, uh, million square  
11          feet, uh, total of 7 buildings throughout the entire  
12          site.

13          Um, the big- -- the biggest building is a little  
14          bit over a million square feet where the smallest  
15          building, which is building six -- building six is  
16          just a little bit over 100,000 square feet.

17          Uh, again, this process, uh, started back in  
18          2012. That's when we initially issued the notice of  
19          preparation. Uh, we had a scoping meeting again back  
20          in 2012 and we actually completed, um, the draft EIR.

21          We -- we held a public hearing with the  
22          commission back then as well and then, um, the  
23          applicant made some changes to, uh -- to the applicant  
24          that require, uh, modifications to some of the  
25          studies.

1           So four or five years later we, um -- we're here  
2 today, because there were changes to those studies  
3 that require a, um, redistribution of the, um, draft -  
4 - draft EIR as well. So the city issued a, uh, notice  
5 of completion and started a 45-day review period,  
6 which started on February 5th and again, it's going to  
7 end March 26th, uh, which is next Monday.

8           Uh, typically, we, uh -- the city staff hires  
9 consultants to prepare this document. Uh, some of the,  
10 uh, studies were prepared by the applicant.

11           There were peer reviews by -- by our city's  
12 consultant. Uh, in this case, uh, there were a few of  
13 the, uh, impacts that were found to be, uh,  
14 significant and those issue areas were air quality,  
15 greenhouse gas, noise and traffic.

16           Uh, even with mitigations, these impact areas  
17 weren't able to, uh -- brought below, um, a c- -- uh,  
18 a threshold, um, which is considered less than  
19 significant.

20           Therefore, the city will have to adopt what's  
21 called an SOC, a Statement Over- -- of Overriding  
22 Considerations in order to approve the project.

23           The other issue areas, which are 14 of them, um,  
24 these areas were not considered significant, um, and  
25 those have been outlined on the draft EIR that you



1 have before you tonight.

2 Again, uh, what we want is to open the public  
3 hearing and take comments from both the public and the  
4 planning commission and, uh, we want the commission  
5 to, uh, direct staff to take these comments, uh,  
6 analyze the comments and make sure that they're  
7 incorporated into the final document.

8 Uh, if there's anything that needs to be amended  
9 or changed, we will do that as well and then produce  
10 what's called a final environmental impact report that  
11 will -- that the city -- or the staff will bring back,  
12 uh, before the planning commission. Again, I would  
13 like to reiterate that there's no, uh, action that's  
14 going to take place today.

15 Uh, the purpose of the meeting, again, is just  
16 to, uh, give you an opportunity to ask questions or --  
17 or give us some of your, uh, concerns or comments in  
18 the draft EIR and again, we will, uh, make sure that  
19 those comments are addressed as part of the final EIR  
20 as well as any of the resident's comments as well.

21 So, uh, with that, uh, I'm available to answer  
22 any questions. I do have representatives from our, uh  
23 -- uh, our consultants as well as the applicant and --  
24 and some of the applicant's team are available as well  
25 if you have any questions for them.

1 MR. SANCHEZ: Okay. Um, I actually have a  
2 question for you, Orlando.

3 Um, in regards to what they're proposing, I'm  
4 seeing that this is bordering on Riverside; right? So  
5 how do they -- how do they intend to offload all those  
6 trucks, through Fontana, through Riverside? Uh, what's  
7 their intent?

PC1-1

8 Because we don't have jurisdiction over  
9 Riverside. So I can imagine, assuming this was to go  
10 through, that we'd probably have a -- a little tug-of-  
11 war with Riverside, to put it nicely, not to put it in  
12 Mr. Pontho's [ph] terms, but a littletug-of-war with  
13 the City of Riverside and the neighboring homes around  
14 there. Can you -- can you clarify that for me a little  
15 bit, please?

16 MR. HERNANDEZ: Yeah. Uh -- uh, as part of the  
17 environmental process, there was a traffic study that  
18 was conducted.

19 That's -- the traffic study basically identifies  
20 the -- the distribution of the vehicles, both  
21 passenger vehicles and truck, uh -- uh, traffic as  
22 well and it identifies where the traffic is coming  
23 from and where the traffic is going as well as  
24 identifies the impacts that tho-- that that traffic is  
25 going to generate, um, whatever those -- wherever the

1 traffic is going.

2 Uh, you did, uh, mention that it is, um, located,  
3 actually, adjacent to Jurupa Valley --

4 MR. SANCHEZ: Mm-hmm.

5 MR. HERNANDEZ: -- uh, County of San Bernardino,  
6 also, County of Riverside. So, uh, as part of this  
7 process, we were, uh -- we're required to notify  
8 those, um, jurisdictions of the project.

9 We gave them a copy of the draft EIR. We're  
10 expecting that those, uh, cities will provide comments  
11 and raise any issues that they may have as a result of  
12 the projects.

13 Again, any impacts, generally the by project,  
14 they have to be mitigated and if they can't be  
15 mitigated, then, uh -- then, uh, a statement of  
16 overriding considerations has -- has to be adopted by  
17 the city council.

PC1-2 [ 18 MR. SANCHEZ: So this project is clearly before  
19 my time, except for Senior -- Senior ex-Chair Meyer,  
20 but this one's originally drafted as being a  
21 residential community.

22 MR. HERNANDEZ: It's currently approved as a  
23 residential community.

PC1-3 [ 24 MR. SANCHEZ: And we need some homes in Fontana.  
25 Okay. I have no more questions for you, sir.

1 Commissioner Meyer.

2 MR. MEYER: Thank you, Mr. Chair. This may take a  
3 few minutes.

4 MR. SANCHEZ: Okay.

5 MR. MEYER: Um, I think somewhere in the staff  
6 report, I read that the final EIR will not include  
7 necessarily comments on the previous renditions unless  
8 commission specifically directs tonight that all  
9 comments that have been received since, what, 2012 are  
10 to be addressed.

PC1-4

11 So I would start by hoping that the rest of the  
12 commission would agree to me -- with me that every  
13 comment that's been submitted since the beginning of  
14 this process, through the various renditions of the  
15 EIR, well, yeah, that's going to make it a lot  
16 thicker, it's pretty thick now, but, uh, first of all,  
17 in fairness to the people who responded, but secondly,  
18 I think it'll help, uh, because as Commissioner  
19 Sanchez just so, uh, mentioned --

20 He didn't allude to it, but he mentioned this is  
21 a radical change for what is currently on the books.  
22 So I -- I just wanted to get that out of the way  
23 first.

24 So, um, going through the executive summary -- I  
25 won't go through the entire thing, but, uh -- and this

1 is more of a comment than it is a question, but I do  
 2 note in the executive co- -- uh -- um, executive  
 3 summary that, uh, whoever put together this EIR says  
 4 part of the land use object- -- uh, objectives will be  
 5 stringent, uh, design standards and I can't emphasize  
 6 that enough that, uh, anything that's proposed needs  
 7 to be stringent.

PC1-5

8 Um, there was also -- on the following page, on  
 9 Page ES-4, there is, uh, a discussion, again, on, uh,  
 10 equitable distribution of truck traffic along routes  
 11 connecting the, uh, center to the regional freeway  
 12 system.

PC1-6

13 And I think, um, again, Chair Sanchez has already  
 14 alluded to what is undoubtedly my biggest concern and  
 15 I don't know how we address it, but I haven't seen it  
 16 addressed appropriately, in my opinion, yet in the EIR  
 17 -- uh, the draft EIR. Um --

18 MR. SANCHEZ: Can I make a quick comment --

19 MR. MEYER: Sure.

20 MR. SANCHEZ: -- before you continue here with  
 21 your story. If -- you know, based on what I'm looking  
 22 at, if they try to unload traffic into Fontana, it's  
 23 either going to go to Sierra --

PC1-7

24 MR. MEYER: That's what they're proposing.

25 MR. SANCHEZ: -- or to Citrus. I know they're

PC1-7  
cont.

1 proposing -- Citrus can't handle it. For those of us  
 2 living in Fontana know that Sierra can't handle it as  
 3 it is -- already as it is. So -- and I -- I -- I can  
 4 probably be safe to say I expect, uh, our neighbor-- -  
 5 - our neighboring cities to service over these things.  
 6 So I'm -- I'm just -- my comment is I don't know  
 7 how the -- the city can handle this amount of  
 8 warehouses of cluster in one specific area and offload  
 9 to where. I just took my comment. Sorry.

PC1-8

10 MR. MEYER: And I'm going to continue that  
 11 traffic comment, because on Page ES-5, towards the  
 12 top, it talks about providing for necessary  
 13 transportation improvements and strategies.

PC1-9

14 And again, I'm not sure I'm necessarily seeing  
 15 those in the proposal at this point. Um, under ES-3,  
 16 which is also on, uh, ES-5, uh, there's a comment  
 17 about the need for a general plan amendment.  
 18 Uh, I tr- -- tried to ask one of the GPAC members  
 19 that's up here if she's aware if GPAC has addressed  
 20 this and it seems to me that if there's going to be a  
 21 -- a general plan amendment change, it should've been  
 22 addressed in the, uh, GPAC process since we're in the  
 23 middle of that and I'm not sure that's done yet.

PC1-10

24 Uh, there is a discussion on the next page about  
 25 roadway improvements. Uh, again, and I think, uh, com-

PC1-10  
cont.

1 -- uh, Chairman Sanchez just hinted at it, most of  
2 those changes seem to be along Slover, uh, or streets  
3 leading to Slover and Slover and, um, Sierra.

4 And one of the things is we tend to be a good  
5 neighbor in this city and I'm not seeing a proposal  
6 here, at least from the traffic standpoint, that shows  
7 us to be a good neighbor of either Bloomington or  
8 Jurupa Ci- -- uh, Valley, uh, and that -- uh, I don't  
9 know how we do that, quite frankly, because they are  
10 juris- -- different jurisdictions.

11 I mean, I'm -- I'm assuming we can say part of  
12 the, uh, impact fees go to Jurupa Valley, but there's  
13 nothing that says Jurupa Valley is going to use them  
14 on that street, uh, Valley and, uh -- uh, no,  
15 Armstrong -- Valley and Armstrong.

PC1-11

16 Um, so, uh, one of the things I'm not seeing in  
17 the executive summary, uh, ES-7.3, the alternate 3,  
18 multitenant business park.

19 Uh, what I'm not really seeing is a comparison of  
20 the vehicle traffic that would create compared to the  
21 vehicle traffic, uh, the proposed, uh, industrial park  
22 would create and I'm looking at it more of a  
23 standpoint of obviously, uh, trucks, uh, are more  
24 polluting and harder on highway traffic than cars are.

PC1-12

25 Uh, so -- so that's one thing. Um, ES-7.6, uh, s-

PC1-12  
cont.

1 -- suggests a proposal that would, uh, prohibit trucks  
 2 going on Sierra. Uh, I would like to see how they  
 3 could pull that one off. Uh, that's going to be  
 4 difficult to do. Um, yeah.

5 MR. SANCHEZ: [inaudible]

6 MR. MEYER: Yeah.

7 MR. SANCHEZ: It's not -- it's not prevented,  
 8 it's proposed [inaudible] --

9 MR. MEYER: Right.

10 MR. SANCHEZ: -- [inaudible]

11 MR. MEYER: Proposed project with a prohibition  
 12 on trucks using Sierra Avenue as one of the other  
 13 alternatives.

PC1-13

14 Uh, the other thing is -- uh, and I'm not sure  
 15 who's proposed the, uh -- or who wrote this EIR, but,  
 16 uh, on the end -- very end of ES-7, which -- on Page  
 17 ES-10, it talks about how unfair it would be if the  
 18 commission doesn't approve the recommendation. First  
 19 of all, I -- I've read enough of these, uh, EIRs.

20 I've rarely ever seen that kind of editorial  
 21 comment, but it continues by saying that the property  
 22 owner bought it with it being entitled and if it's  
 23 already entitled, it would seem to me that coming in  
 24 and asking us to entitle it would be unnecessary. It  
 25 is entitled, but it's entitled as a housing -- uh,



PC1-13  
cont.

1 primarily housing project.  
 2 So to me, at a minimum, that statement is  
 3 misleading, uh, and I'll leave it to somebody else to  
 4 determine whether it's true or not, but it's certainly  
 5 misleading, uh, and it implies that they already --  
 6 that they bought it with an entitlement in place,  
 7 which is -- as near as I can tell, is not true.

PC1-14

8 Um, let me just quick -- uh, one of the things I  
 9 notice under the, uh -- some of the different, uh,  
 10 mitigations being required or not being required I am  
 11 not seeing, at least in the synopsis of the, uh -- uh,  
 12 aesthetics four, for example, would be a good place to  
 13 have something on glare -- light glare and I don't see  
 14 anything, uh, at least in the synopsis on light glare.

PC1-15

15 Uh -- uh -- uh, GL-5, which is on ES-36, uh, also  
 16 indicates that there's no mitigation required. Uh,  
 17 the, uh, GL-5 refers to septic.

PC1-15

18 Uh, it seems to me that a project of this size  
 19 would automatically be served by sewer even if sewer  
 20 were not there. So I would certainly like to see that  
 21 addressed in the final report. Um, I am actually  
 22 getting close to being done.

PC1-16

23 Um, I will go, again, to, uh -- uh, it'd be  
 24 transportation one, um, under the construction  
 25 mitigation measures, uh, on Page ES-60. There is a

PC1-16  
cont.

1 reference to prohibiting use of local streets not  
2 specifically approved by the city. Uh, what I'm not  
3 seeing is how they plan to enforce that.

4 Uh, in theory, that's nice to say trucks can't go  
5 on the street. Some of us know from practical  
6 experience at Cherry and Beech, even though trucks are  
7 not supposed to be there, they frequently use, uh,  
8 North Cherry to get to the freeway.

PC1-17

9 Um, I did mention about being good neighbors. Uh,  
10 I also am not seeing, uh, a good rationale for why you  
11 would not improve Alder as it had originally been  
12 proposed to be, uh, improved as a thru-street rather  
13 than, uh, cutting it off and making part of it a  
14 private street.

15 And the only other comment I want to make, and I  
16 apologize for taking so much time, is I -- I'm als- --  
17 bless you --

PC1-18

18 I'm also a little bit leery, even though this  
19 isn't part of the EIR, uh, when this actually comes  
20 before commission for a general plan amendment, should  
21 it come before a commission, that, I think, in  
22 fairness, we would also need to see something close to  
23 final plans, including, uh, you know, what the  
24 proposed buildings are going to be like, uh, because I  
25 think, uh -- uh, for a project of this magnitude and

PC1-18  
cont.

1 having this much affect on not just ourselves, but our  
 2 neighboring communities, we really -- uh, whoever's on  
 3 the commission at the time it comes before really  
 4 needs to look at not just the approval of the general  
 5 plan amendment, but what exactly are the buildings  
 6 going to be that go on there.

7 Mr. Chair, I cede my time.

8 MR. SANCHEZ: Why, thank you, sir. Thank you. Any  
 9 -- uh, Commissioner Quiroga.

PC1-19

10 MR. QUIROGA: Thank you, Chair. Um, does the  
 11 trail that runs along the -- the base of the Jurupa  
 12 Hills -- does that run through the property?

13 MR. HERNANDEZ: Uh, I'm not certain. I know  
 14 there's trails throughout the site that, uh, over  
 15 time, um -- uh, have been used.

16 Uh, it's not -- it's not a city-adapted trail or  
 17 a city-approved trail through- -- throughout the  
 18 property. Um, so I'm not certain, uh, which trail  
 19 you're making reference to.

20 MR. QUIROGA: The main trail that -- that goes  
 21 along the base of the Jurupa Hills. Where is that?

22 MR. HERNANDEZ: And --

23 MR. QUIROGA: Where is that, Larry?

24 MR. MEYER: Yes. I think it might be under trail.  
 25 Uh, around ES-61/62 is where it starts talking about

1 the trail. Actually, it starts -- or -- or actually, I  
2 take it back, that's -- transportation is what I'm  
3 looking at.

4 MR. HERNANDEZ: Commissioner Quiroga, what --  
5 what would the question be regarding the trail? We'll  
6 make a note of it and then we'll research and make  
7 sure --

PC1-19  
cont. ]

8 MR. QUIROGA: Can it be included?

9 MR. MEYER: Vice-Chair Quiroga, uh,  
10 transportation six does talk about plans or programs  
11 regarding public transit, bicycle or pedestrian  
12 facilities or, uh -- so that's one.

13 MR. QUIROGA: What page is that?

14 MR. MEYER: That's on ES-64 -- 6- -- 64. But  
15 there is, uh -- uh, you are correct, there, somewhere  
16 is in here, a reference to the Jurupa Hills trail and  
17 I think the reference was it's going to need to be  
18 relocated.

19 MR. QUIROGA: It extends from the, uh, Mary Vagle  
20 Nature Center and it goes under Sierra, that one.

21 MS. VASQUEZ: What we'll do is we'll take a look  
22 at this based on your comments.

23 MR. HERNANDEZ: Commissioner Quiroga, there --  
24 there is ref- -- there is, um, a trail that -- uh,  
25 part of the trail does go through the site and there

1 is some mitigation, uh, and that's on --

2 MR. MEYER: Mr. Hernandez, I actually found --  
3 it's impact req two, talks about include recreational  
4 facilities or require the construction of or expansion  
5 of recreational facilities, which might have an  
6 adverse, uh, physical, uh, effect on the environment.  
7 No park or recreational facilities would be  
8 constructed or expanded under the project.

PC1-20

9 Furthermore, no encumbrances of the existing SCE,  
10 uh, easement trail or the Jurupa Hills trail would  
11 occur under the proposed project. And -- and there's  
12 no mitigation. So I think, uh, you -- you want them to  
13 keep the --

14 MR. HERNANDEZ: It to be included. Yes.

15 MR. MEYER: -- and -- uh, add the -- add to the  
16 trail.

PC1-21

17 MR. SANCHEZ: Okay. So just let me ask a  
18 question, Mr. Hernandez for clarification. So  
19 basically, they want to convert this -- to put  
20 [inaudible] for everybody, they want to convert this  
21 from residential to logistics and commercial; right?

22 MR. HERNANDEZ: No commercial, it would just be  
23 in- -- uh --

24 MR. SANCHEZ: Just logistics -- okay.

25 MR. HERNANDEZ: -- industr- -- industrial.

PC1-22 | 1 Correct.  
 | 2 MR. SANCHEZ: They don't want to give us a park,  
 | 3 they want to reroute our park -- our trail, that -- is  
 | 4 that -- did I just summarize it pretty quickly?

5 MR. HERNANDEZ: The -- uh, the existing  
 6 development has a, uh, planning area that's, um,  
 7 planned for a park. So that park would go away.

8 As part of development agreement, uh, there --  
 9 there is, uh, compensation for the loss of the park  
 10 that, uh, has been negotiated -- or will be negotiated  
 11 between the applicant and -- uh, and the city to  
 12 compensate for the loss of the park.

PC1-22 | 13 MR. SANCHEZ: But not for everybody else that  
 cont. | 14 wants to use that park?

15 MR. HERNANDEZ: Uh, a park wouldn't be, uh,  
 16 proposed at that particular location. Correct.

17 MR. SANCHEZ: Uh, okay. All righty. Commissioner  
 18 Fort, you have some questions?

PC1-23 | 19 MS. FORT: Uh, just a couple of things. One, um,  
 | 20 you mentioned that this would be open for review until  
 | 21 March 26th. Um, there's a few places where it  
 | 22 references March 23rd. Are we aware of that, Page 151?  
 | 23 And has that been corrected or --

24 MR. HERNANDEZ: That -- that's correct. The --  
 25 the initial closing date was March 23rd, which is a

1 Friday.

2 MS. FORT: Mm-hmm.

3 MR. HERNANDEZ: Friday, uh, the city's -- the  
4 city's closed on Friday. So we've, uh -- we basically  
5 roll -- roll it over to Monday or the following day in  
6 order to give people the -- the ability to, uh -- to  
7 have the extra day.

PC1-24 | 8 MS. FORT: Okay. And you said that, um -- um,  
9 this has been in process since 2012 more or less and,  
10 um, the general plan that -- is that when the land was  
11 purchased from the prior owner to the cur- -- current?

12 MR. HERNANDEZ: Um, probably maybe a year before  
13 2012. Obviously, it took us, uh -- um, maybe a year to  
14 take it through the process. So maybe 20- -- 2011,  
15 2010, perhaps.

PC1-24 | 16 MS. FORT: And the general plan, um, was in place  
cont. | 17 at that time with regards to, um, the specific plan  
18 for Valley Trails and the intent for the -- the land  
19 use or --

20 MR. HERNANDEZ: That is correct.

PC1-25 | 21 MS. FORT: Okay. Okay. And I read here that, um -  
22 - it says the West Valley Logistics Center, um,  
23 Specific Plan would serve as the guiding document  
24 providing direction for development of the site,  
25 including land use, circulation, architecture,

PC1-25  
cont.

1 landscape design, grading, lighting, drainage, public  
2 services and utilities that are consistent with the  
3 city's general plan and zoning ordinances.

4 And then immediately following that are, um,  
5 essentially, the multiple requests to change the  
6 general plan and change the zoning that was in place  
7 at the time of the land purchase.

8 MR. HERNANDEZ: Uh, right now the -- the property  
9 is zoned, uh -- it's called residential plan  
10 community. It has an approved, uh, residential  
11 specific plan.

12 Uh, the request from the applicant is to change  
13 that specific plan to a new industrial specific plan  
14 that would have standards to accommodate the  
15 industrial development that would have circulation  
16 requirements to accommodate the, uh -- uh, industrial  
17 development. That would be consistent to the new  
18 industrial general plan designation that has been  
19 requested by the applicant.

20 MS. FORT: Right. So that's -- uh, it's kind of,  
21 I think, re- -- reframing what I was saying.

PC1-25  
cont.

22 Um, and it states that the -- the West Valley  
23 Logistics Center Specific Plan would serve as a  
24 guiding document, um, for architecture, landscape  
25 design, grading, lighting and so forth that is



PC1-25  
cont.

1 consistent with the city's general plan and zoning  
2 ordinance.  
3 Once we make all the changes, um --  
4 MR. HERNANDEZ: Correct.  
5 MS. FORT: -- that are being requested, not --  
6 MR. HERNANDEZ: Not -- not currently.  
7 MS. FORT: -- being in line --  
8 MR. HERNANDEZ: Not currently. Correct.  
9 MS. FORT: -- in alignment with what our general  
10 plan and current zoning ordinances are.  
11 MR. HERNANDEZ: You're correct.  
12 MS. FORT: Okay. That's it.  
13 MR. SANCHEZ: I have another question, Mr.  
14 Hernandez. So you -- you s- -- you made a comment that  
15 public comment was closed on March 23rd.  
16 MR. HERNANDEZ: March 26th.  
17 MR. SANCHEZ: 26th.  
18 MR. HERNANDEZ: Specific comments in -- in -- as  
19 it relates to, uh, the draft EIR.  
20 MR. SANCHEZ: Okay. Can -- can --  
21 MR. HERNANDEZ: Projects -- comments in general,  
22 as it relates to the project, uh, we can take those as  
23 -- as we move forward, in -- in fact, even when the  
24 project comes back before the commission and our city  
25 council.

PC1-26

1 MR. SANCHEZ: Can we open back up the EIR  
2 comments if we request as a planning commission?

3 MR. HERNANDEZ: The- -- there's opportunities to,  
4 uh -- uh, typically, if -- if there's things in the  
5 EIR that we didn't analyze or you -- you feel that  
6 there's -- there's something that's lacking, uh, we  
7 give the commission and different agencies an  
8 opportunity to identify those areas so we can go back  
9 and either cor- -- correct it or make changes.

10 Once -- once the process is complete, uh, and we  
11 come back and if you still feel that there's areas  
12 that need improvement, then, uh, we would look at it  
13 and if -- if it makes sense, we can, uh -- uh, the  
14 city's the lead agency.

15 So we -- we -- at the end of the day, we either,  
16 uh, app- -- approve -- we'll go through the process to  
17 approve the EIR or not and typically, we have, uh, the  
18 guidance of the city attorney's office as well.

19 MR. MEYER: Mr. Chair, if --

20 MR. SANCHEZ: [inaudible]

PC1-26  
cont.

21 MR. MEYER: Yeah. Mr. Chair, thank you. If I'm  
22 hearing, uh, both the question and the answer, could  
23 the commission direct you tonight to keep the comment  
24 period open longer?

25 MR. SANCHEZ: That's my question.

PC1-26  
cont.

1 MR. MEYER: In other words, if we wanted to  
 2 direct you to keep it open to, say, April 16th, I  
 3 looked at the calendar just to pick a date, uh, could  
 4 we do that?

5 MR. HERNANDEZ: That, uh, probably would be a  
 6 question to the attorney. I know that, uh, CEQA only  
 7 requires, uh, a 45-day re- --

8 MR. MEYER: Right.

9 MR. HERNANDEZ: -- uh, and that's a minimum  
 10 requirement. Can it be extended? I don't really know.

PC1-26  
cont.

11 MR. MEYER: Well, we know the city frequently  
 12 extends it. So could the city in this case extend it  
 13 under the direction of the planning commission?

14 MR. HERNANDEZ: Can it be extended? Yes. I don't  
 15 know if, uh, there has to be specific reasons as to  
 16 why we're -- we're asking for the extension. And  
 17 again, I would, uh, defer that to the, uh, city  
 18 attorney.

19 MR. MEYER: He's going to make his money tonight.

PC1-27

20 MR. SANCHEZ: So, uh, before you continue,  
 21 clearly, there's a lot of reasoning why and, um, based  
 22 on where this project's at, uh, the magnitude that it  
 23 is, I'd -- I'd say to extend it past April, because  
 24 there's a lot of people that still aren't here  
 25 tonight.

PC1-27  
cont.

1           Clearly, most people here tonight are on this --  
2           this item that aren't involved that pretty sure want  
3           to get involved and want to have an opportunity to  
4           read this storybook and -- and -- and give their  
5           input.

6           Uh, it's -- in the time that I've been on the  
7           planning commission, I've never seen a project so big,  
8           so intrusive, so invasive on homeowners in a specific  
9           area and I think to put -- we've -- we've extended  
10          CEQA, since I've been here, 90 days, 100 days because  
11          of we need a clarification.

12          So I don't understand why a project this big  
13          would not consider extending it.

14          MS. FORT: Well, and, uh -- can I speak?

15          MR. SANCHEZ: Commissioner Fort.

16          MS. FORT: Uh, I would also be interested in --  
17          in just getting -- if there is opportunity -- I mean,  
18          it deviates so -- so much from the general plan, which  
19          tends to be our guiding -- I mean, I know the request  
20          is to, uh, make those exceptions or amendments, but --

21          FEMALE: Um, chairmen and members of commission,  
22          um, let me ask you this question, the reason that you  
23          wanted to extend the time for comments is so that you  
24          can review some more and provide additional comments;  
25          is that -- is that your intention?

1 MR. SANCHEZ: If I may speak for myself --

2 MR. MEYER: Probably.

3 MR. SANCHEZ: -- for -- yes, so we can spend more  
4 time. I would -- I -- I'd even like to physically walk  
5 -- walk this property and see what the neighboring --  
6 the neighboring city looks like.

7 I've driven by it, but spend more time and -- and  
8 not just for us, but other people that might have some  
9 questions and concerns also.

10 MALE: All right. So I -- I -- this is a question  
11 I just posed to the, uh, planning director is if the  
12 request is that the commission and perhaps the public  
13 would like additional time to analyze and come up with  
14 additional comment, that's different than saying, hey,  
15 can we -- can we turn around your comments that you're  
16 raising now? If that's what you're asking for --

17 MR. SANCHEZ: That's exactly --

18 MALE: -- something we -- we can do.

19 MR. SANCHEZ: -- so then to put it in your terms  
20 [inaudible] --

21 MALE: I just wanted to make sure that -- that  
22 we're understanding the ask --

23 MR. SANCHEZ: Yes.

24 MALE: -- because, uh, I'm willing that this is  
25 an excellent staff and they could also turn around

1       what you're asking, but if you're asking for time on  
2       your side --

3               MR. SANCHEZ: Yes.

4               MALE: Yeah.

5               MR. MEYER: Uh, can -- can I make a suggestion?  
6       Um, it sounds like probably most of us would like to  
7       have the comment period extended, but maybe before we  
8       do that, we should hear from the, uh, public that's  
9       here tonight and then maybe --

10              MR. SANCHEZ: If we have no more questions from  
11       our commission. Any more questions from our  
12       commission? Commissioner Lewis, how many cards do we  
13       have to speak on tonight?

14              MS. LEWIS: At this time, I have four cards.

15              MR. SANCHEZ: Lewis, four cards?

16              MS. LEWIS: Yes.

17              MR. SANCHEZ: Okay. I'd like to open up -- at  
18       this point, open up public comment.

19              MS. LEWIS: And I see another card coming  
20       forward.

21              MR. SANCHEZ: Anybody like to speak on this item,  
22       please bring up your cards. I need to know counts so  
23       we can do a head count to know how long we're going to  
24       extend this, um -- so we've got five cards right now?

25              MS. LEWIS: I have five cards at this time.

1 MR. SANCHEZ: Okay. So we have five cards and  
2 let's make it, uh, four minutes -- four minutes per  
3 person.

4 MS. LEWIS: Okay. Is that understand that, uh,  
5 you will have four minutes' speaking time? I'm going  
6 to cue you up in this order, uh, for the first three  
7 would be Diana D'Anda [ph], uh, Irelo [ph] -- Ariolo  
8 Sanchez [ph], uh, Jose Alvarado [ph] and, um -- those  
9 are the first three. Please line up in that order for  
10 speaking.

11 MR. SANCHEZ: Good evening. Please state your  
12 name.

13 MS. D'ANDA: Good evening, um, commissions.

14 Um, my name's Diana D'Anda and, um, actually, my  
15 pro- -- the property that I just inherited -- my  
16 father just passed away on January 2nd and our family  
17 -- my brothers and sis- -- I -- my sister and I just  
18 inherited the property and we just found out about  
19 this with a letter last week.

20 So I have been online looking at some of this  
21 stuff, the comments from previous -- from the previous  
22 project, from what I gather, and I am serious- -- I am  
23 very concerned. Our property is actually in the county  
24 area.

25 It's -- it's right on 11th Street -- uh, Maple

1 and 11th, which abuts where one of the, I guess, areas  
2 is outlined.

PC1-28

3 And, um, this is a residential property, this is  
4 a residential neighborhood and AQMD raised questions  
5 about air quality that I have not seen addressed.

PC1-29

6 The county made comments that from the -- some of  
7 the documents that I've seen they've submitted twice  
8 to the -- for the project and I have not had time to  
9 review the current document.

10 So I don't know that any of those were addressed  
11 and this project is different from the original  
12 project. So, uh, there are -- I would love to see  
13 representatives from those agencies here addressing  
14 some of the concerns that they have, presenting them.

PC1-30

15 What are they; you know? They -- they were  
16 comments that this project is within 100 feet of the  
17 first residential property.

18 This is an air quality issue for that  
19 neighborhood, the noise quality that this neighborhood  
20 will sustain, the traffic.

PC1-31

21 I mean, you can say you're going to restrict it  
22 to certain areas. I worked for the City of Loma Linda,  
23 Amazon came through and our off-ramps are packed. I  
24 mean, there's nothing that we can really do to address  
25 this issue of traffic.



PC1-31  
cont.

1           So I can't see the quantity of big rigs coming  
 2 through there and you addressing the traffic without  
 3 it coming -- spilling over to Cedar, and 7th Street,  
 4 and even Maple Street, and 11th through these  
 5 neighborhoods.

6           We have truck drivers living in these  
 7 neighborhoods that just their trucks starting in the  
 8 mornings are making noise problems for the residents.

PC1-32

9           So I have -- I have air quality issues, traffic  
 10 issues, noise issues and property value, because  
 11 basically, our property values are going to go to the  
 12 dirt, basically.

13           So I am very concerned about the issues coming  
 14 through this neighborhood and we're not even in  
 15 Fontana, we are part of the county.

PC1-33

16           So -- so I would like to see county -- and as far  
 17 as impact fees, do -- does the county get any impact  
 18 fees to address some of these issues in the county  
 19 area? Because I think the project is -- you guys are  
 20 the lead agency. So I don't think the county's going  
 21 to be --

22           MR. SANCHEZ: You have one minute, ma'am.

23           MS. D'ANDA: Will they? Will the county be  
 24 getting impact fees?

25           MR. SANCHEZ: You have one minute, ma'am.

1 MR. MEYER: Uh -- uh, just for the record, uh,  
2 all your questions go through the commission chair.

PC1-33  
cont.

3 MS. D'ANDA: Oh, sorry. Sorry. But yeah, there's  
4 like -- that's -- this is -- this is my concern that  
5 all the county's fear is not going to get, you know,  
6 addressed. Their issues are going to fall by the  
7 wayside if you guys don't be the good neighbors that  
8 you say you are. So that's all I have to say.

9 MR. SANCHEZ: Thank you.

PC1-34

10 MR. ARIOLO SANCHEZ: I am so scared of those  
11 trucks. I have a daughter [inaudible] house on the  
12 other side of the cemetery on Cactus and you have to  
13 be so careful when those trucks are coming -- flying  
14 back and forth.

15 That's what we're going to get in our  
16 neighborhood. Yes. It is. We already have kids killed  
17 on local street. What is going to happen with these  
18 trucks driving at that speed?

19 Just imagine what it's going to look like, our  
20 street, using -- using the entrance to the freeway how  
21 hard it's to get in. You'd like to drive on -- on --  
22 on Valley going to the 60 at 3:00 o'clock in the  
23 afternoon and see how long it will take you.

PC1-35

24 With these trucks, you can sit down in there and  
25 take a nap. How are these people intending to do with

PC1-35  
cont.

1 our neighborhood that is residential? They just -- all  
2 they think [inaudible] part.

3 They're not thinking as human beings. It's -- we  
4 have our faith on you to protect us, to protect our  
5 families, to stop the noise, to stop all of the things  
6 that has happened. Thank you.

7 MR. SANCHEZ: Thank you.

8 MS. LEWIS: Mr. Alvarado.

9 MR. ALVARADO: Hi. My name is Jose Alvarado. I  
10 live on the borderline of Riverside County and, uh,  
11 San Bernardino County. Uh, I was here the last  
12 meeting. Mr. Hernandez told me that this project will  
13 stop.

PC1-36

14 So I didn't have to worry about. So I started  
15 making investments on my house. Now I received this  
16 letter saying it's going on again.

PC1-37

17 Last time he told me that he was noti- -- come to  
18 notify Bloomington and Jurupa Valley and for -- uh,  
19 I've been hearing they haven't been notified about  
20 this project. To speak about the traffic, it's  
21 horrible.

PC1-38

22 My -- my room, it goes to the backyard of the  
23 Armstrong [ph]. I moved out of Fontana because of the  
24 trucks.

25 Now they want to put them back in my backyard.

PC1-38  
cont. | 1 Last time I told him, what are you going to do about  
2 the noise? And they told me, oh, we're going to build  
3 you a wall.

PC1-39 | 4 It's not just the wall. I was tired of the truck  
5 drivers parking next to my house, in the middle of the  
6 night mak- -- uh, doing mechanic work. I would have to  
7 call highway patrol, because the City of Fontana  
8 couldn't do anything about it.

PC1-40 | 9 I'm tired of that and now you guys want to push  
10 it back again to my -- my backyard. Now, close to my  
11 house there's this, uh -- a small street. It's a  
12 challenge to get out of that street with the traffic.

PC1-40 | 13 What are you guys going to do for us to get out  
14 of the street without getting hit by the trucks?  
15 Because the way how that street is they can't see the  
16 cars. The way how they drive they can't see the cars,  
17 especially at the speed that they drive.

PC1-41 | 18 The trail that you're talking about is on that  
19 property. They're going to take it away. There's a lot  
20 of wild animals in there, a lot and they depend on the  
21 lot. What are they going to do about that?

PC1-42 | 22 Most of -- most of the stuff that you guys say  
23 that's what I was going to say, the traffic, the 60  
24 Freeway gets packed on Valley Way, on Armstrong. You  
25 guys don't want any traffic on Sierra.

PC1-43

1           So the only way they're going to get the traffic  
2           is through my backyard. That noise is going to be day  
3           and night. How are we going to sleep with all the  
4           noise? Another thing they say they find, uh, chemicals  
5           in there, that they were going to stop the project  
6           because of that.

PC1-44

7           Now they're putting it back. What happened with  
8           those chemicals? Are they going to build warehouses in  
9           there with all those chemicals, diesel underneath the  
10          ground?

11          So what are the people that work there -- how are  
12          they going to work in a safe environment? That's all.  
13          Thank you.

14          MR. SANCHEZ: Thank you, sir.

15          MS. LEWIS: The next three speakers will be in  
16          this order, Kathy Sanchez [ph], Thomas Roja [ph] and  
17          Dale Henneman [ph].

18          MR. SANCHEZ: Okay. If I may, uh, make a change  
19          real quick, because we've gone from, uh -- from four  
20          speakers now to like more like six or seven.

21          MS. LEWIS: Six.

22          MR. SANCHEZ: Six. So we're going to go back down  
23          -- we're going to go three minutes per speaker,  
24          please. Thank you.

25          MS. SANCHEZ: Good evening. Um, you're going to

1 have to forgive our appearance, we're just coming off  
 2 work and we just got the notice posted on our polls,  
 3 uh, you know, at the end of the street.

PC1-45

4 Um, our biggest concern as parents, as residents,  
 5 uh, where is the formal notification? We -- if it  
 6 weren't for our good neighbors who actually posted  
 7 some of the signs on our -- on our street signs, we  
 8 wouldn't have known.

9 And, um, I grew up in this residential area of  
 10 the City of Jurupa Valley since I was in second grade  
 11 and we were fortunate enough to purchase a house on  
 12 the same street I grew up on.

PC1-46

13 So, um, that area that is being mentioned tonight  
 14 has been an empty field for years and it's got so much  
 15 potential for something beautiful. Uh, we have a lot  
 16 of, you know, neighbors that have horse property.

17 Um, it would be great to see some trails or, you  
 18 know, something recreational, something for kids and  
 19 family to kind of go out and walk around and have it  
 20 be safe.

PC1-47

21 Um, our biggest concern is there is less parks in  
 22 the area, there's a lot more traffic, um, the school -  
 23 - the school buses have to go in and out just from one  
 24 street and bringing in higher traffic would -- would  
 25 mean that it would take us longer to take our kids to

PC1-47  
cont. | 1 school, it would take us longer to walk them to the  
2 bus stop, um, and then we would be more concerned for  
3 safety.

PC1-48 | 4 Um, already, too, what other outside, um,  
5 population would we be inviting into our residential  
6 neighborhood is another big concern for us as well.

7 Um, you touched on some very good topics about  
8 coming to see. I would highly, highly recommend come  
9 and see our neighborhood, it's beautiful. Uh, we are  
10 surrounded by, you know, uh, nice lots.

11 Uh, the families there, most of them are, you  
12 know, little kids or older, retired couples and a it's  
13 a nice area, the Jurupa -- Jurupa Valley area and it  
14 joins alongside Fontana and Bloomington, which is  
15 another ful- -- highly, uh, residential area.

PC1-49 | 16 Um, and it's unfortunate that Locust is a one-way  
17 north and south street and there's a lot of traffic  
18 there already.

19 MR. SANCHEZ: You have one minute, ma'am.

20 MS. SANCHEZ: You want to add something?

21 MALE: Yeah. I'm, uh -- sorry, husband and wife.

PC1-50 | 22 Um -- uh, yeah. I think the -- the traffic is what  
23 concerns, personally, me the most.

24 Uh, as the gentleman before was touching on, if -  
25 - if you go to the area, you will see that it's kind

PC1-50  
cont.

1 of at a slope.

2 So even for a bus to come out of that street, you  
3 -- if you visit the area, it's -- uh, it sometimes  
4 takes a while at 3:00, 4:00 o'clock, because people,  
5 instead of shooting -- going -- going up to 15, as we  
6 know it's crazy, people shoot through, you know,  
7 Jurupa Valley through -- to Fontana, to Sierra, to  
8 Cedar, to -- to Citrus.

9 Uh, you know, it's a two-lane highway. Uh, you  
10 know, it's one and cars fly through there. There's no  
11 stoplights.

12 Uh, so that -- that's pretty much, uh, our  
13 biggest concern, uh -- uh, and hopefully, like you  
14 said, you guys, uh, stick up for -- for us -- for, uh  
15 -- uh -- uh, our families. Thank you very much.

16 MS. FORT: Thank you [inaudible].

17 MR. SANCHEZ: Thank you.

18 MS. LEWIS: Thomas Roja.

19 MR. ROJA: Hi. Good evening to, uh,  
20 commissioners. Uh, you know, I stayed two and a half  
21 hours here just to be able to talk to you guys. I was  
22 hoping you can -- I could get my five full minutes  
23 [inaudible] now.

24 Well, thank you for the first bathroom break we  
25 had, I needed that one. Anyway, um, I'm here -- I'm



1 here on this, uh -- I'm asking the same thing you guys  
2 said.

PC1-51 [

3 You know, you've got, what, probably a 500-page  
4 draft EIR that we've got to go through and, uh, we  
5 only got notice of this yesterday.

6 I'm from Bloomington, I'm a grassroots advocate -  
7 - advocate for the Bloo- -- concerned neighbors of  
8 Bloomington. I've spoken before in other warehouses in  
9 your area. We're trying to stop Bloomington from  
10 becoming the next Mira Loma.

11 Anyway, so I live in Bloomington and the property  
12 is supposed to be in residential and right now that --  
13 the 291 acres, uh, Bloomington High School uses that  
14 for cross country track, you know, to ru- -- to run on  
15 and to avoid the traffic on Sie- -- Sierra and Cedar,  
16 I come from Riverside down Armstrong down Locust and  
17 there -- you know, you're starting to get some traffic  
18 now, but there's also kids walking to and from school  
19 right there.

20 Now, what you're dealing with on the sou- -- on  
21 the west side of this Locust is Fontana where this  
22 proposed warehouse is going to be. Uh, on the we- --  
23 on the east side of this, you're talking about  
24 Bloomington.

PC1-52 [

25 Nobody's brought up Bloomington yet. Then you've

PC1-52  
cont.

1 got Jurupa Valley behind it. Now, I -- I can guarantee  
 2 you the traffic going through Armstrong is going to be  
 3 stopped by -- you know, because Penny Newman from  
 4 CCAEJ, you heard of her, she's, uh -- you know, she's  
 5 from Jurupa Valley.

6 She'll -- they'll make sure that traffic doesn't  
 7 go through there. So the only traffic route you've got  
 8 is going down Locust, which is only a two- -- two-lane  
 9 street. So who owns that street?

PC1-53

10 Who's going to pay for the development of that  
 11 street, Bloomington or Fontana? Okay. Another route is  
 12 -- is going by Sierra or Cedar. Well, how do you get  
 13 there? You've got to go down Slova [ph] or Santa Ana.

14 Well, Santa Ana passes by Bloomington High  
 15 School. Well, you made a lot of comments about the  
 16 light glare, the traffic, the traffic routes, city  
 17 streets, enforcement and the truck routes, but you're  
 18 talking about -- okay.

PC1-54

19 You're talking about 3 million -- well, 3.5  
 20 million square feet on -- on -- on property that's  
 21 equivalent to 700 football fields. You haven't addr- -  
 22 - you haven't addressed how many truck base -- or how  
 23 many work trucks are going to be there, because we  
 24 have one going up in Bloomington right now, 650,000-  
 25 square foot warehouse, up to 500 trucks a day.

PC1-55

1           So I'm asking, just like you guys, to ask for at  
2           least a 90-day extension on this draft EIR so we can  
3           post our comments, give us a chance to go through  
4           this, because I just got notice about this yesterday  
5           and if we don't address these comments, they will not  
6           --

7           MR. SANCHEZ: Sir, your time is up.

8           MR. ROJA: -- they will not be included in the  
9           final, uh -- they won't be addressed in the final EIR;  
10          right?

11          MR. HERNANDEZ: Yes, sir.

12          MR. ROJA: Thank you so much for your time.

13          MR. SANCHEZ: Thank you, sir for your comments.

14          MS. LEWIS: Mr. Henneman.

15          MR. HENNEMAN: Good evening, commissioners, Dale  
16          Henneman. This meeting started at 6:00 o'clock.

17          The chair of the commission made a statement that  
18          he knew these families, these children, these parents  
19          that have to get up for school tomorrow. He knew they  
20          were here to make these comments tonight.

21          Comments didn't start until 8:25. A number of  
22          these residents said they're putting their trust in  
23          you to watch out for them. I hope you put more concern  
24          into this project than you showed them tonight. Thank  
25          you.

1           MR. SANCHEZ: Any more cards, Ms. Lewis? Would  
 2 anybody else like to speak on this item that has not  
 3 filled out a card? One more. Okay, sir, if you can  
 4 please, uh, state your name and then at the end, fill  
 5 out a card for us, please, if you could.

PC1-56

6           MR. WILLIAMS: Curtis Williams [ph]. Uh, there is  
 7 no way that the residential area that surrounds this  
 8 project is going to be able to impact the traffic from  
 9 those big rigs and then not, uh, hurt the quality of  
 10 life that, uh, the -- the residential area it  
 11 supports. Um, the noise level is going to be  
 12 horrendous.

PC1-57

13           When you're talking about big rigs, you're not  
 14 just talking about them going into -- it's not like a  
 15 -- a business where you're going in and buy something  
 16 and go out, you're talking about a 24-hour a -- uh, a  
 17 24-hour, uh, deal where -- where the -- it's going 24  
 18 hours and these -- these big rigs, um, are very loud,  
 19 they're very -- they -- they pollute -- the -- the  
 20 pollutants is going to be out of this world.

21           Um, the -- the noise is going to be ridiculous.  
 22 It's going to drop the value of our -- of all of our -  
 23 - it's -- the quality of life for everybody that lives  
 24 around there as residents is going to -- is going to  
 25 just plummet right -- right down -- right down --

PC1-57  
cont.

1 straight down to the ground as soon as this thing --  
2 project's, uh, started. That's it.

3 MR. SANCHEZ: Thank you, sir. Please fill out a  
4 card.

5 Come on up, young lady. Please make sure to state  
6 your name and after if you could please fill out a  
7 card for us.

8 MS. ROCHA: Yes.

9 MR. SANCHEZ: Thank you.

10 MS. ROCHA: My name is Kim Rocha [ph]. I'm a  
11 resident of Bloomington and I'm very concerned about  
12 this project.

13 Uh, we have, uh -- like my husband and I, we're  
14 grassroots advocates of, uh, concerned neighbors of  
15 Bloomington because of the warehouses going up and we  
16 had people almost in tears last night at our house at  
17 a community meeting, uh, concerned about this  
18 warehouse.

19 And, uh, you know, some people can't speak for  
20 themselves and this fight that we have -- that we're  
21 fighting a warehouse going up near our home also has  
22 just turned into a community fight for us and it's  
23 just in our hearts to try to help people.

24 Um, but we, um -- I'm going to -- I'm going to  
25 appeal to you for what you said, I want you to be a

1 good neighbor.

PC1-58

2 You know, we're a little unincorporated area, we  
3 don't get any preferential treatment and, you know,  
4 Bloomington is going to be very drastically affected  
5 by the traffic.

6 And, um, the valley -- you know how those -- we  
7 saw the traffic just today and there's no trucks yet;  
8 okay? It was like five signal lights to get over  
9 there; okay?

PC1-59

10 So I mean, really, please consider that, because  
11 our quality of life is really going down with all  
12 these warehouses and they're not really bringing in  
13 good paying jobs, they're not going to get people off  
14 poverty with their part-time on-call, uh, and that's  
15 what the statistics usually say.

PC1-60

16 But our quality of life is, um -- it's suffering  
17 and -- oh, and also, the notices were not -- they  
18 asked me to say this, they weren't sent out in English  
19 and Spanish and, uh, that area where it directly  
20 affects it's probably 80 percent Hispanic.

21 So I'd appeal to you if you're going to extend  
22 it, to please send out the notices again in Spanish  
23 also. That's all I had.

24 MR. SANCHEZ: Thank you.

25 Okay. So at this time, no more speakers, I'd like

1 to close the public comment and bring it back to the  
 2 commission, but we're not going to vote on this  
 3 [inaudible].

PC1-61

4 MR. MEYER: Mr. Chair, if I might, before the,  
 5 uh, attorney points out the obvious, I will just  
 6 mention there were a number of comments, but many of  
 7 those comments weren't environmental comments.

8 So those comments should come whe- -- if and when  
 9 a project actually comes before a planning commission.

10 But out of the environmental comments I heard  
 11 tonight, I want to be sure the comment by Ms. D'Anda,  
 12 uh -- and I hope I got the last name correct. She  
 13 talked about noise in the neighborhoods.

14 So I think the EIR needs to talk about  
 15 operational hours and needs to be more strict in  
 16 talking about the limitations of trucks going into the  
 17 residential neighborhoods, uh, not so much in our  
 18 city, but in the neighboring cities.

19 Uh, and I'm -- again, I'm not sure, at least  
 20 under the executive s- -- uh, summary, that that issue  
 21 was addressed at all. Um -- uh, so, you know, let's  
 22 make sure that we do that.

PC1-62

23 Um, and I would ask Mr. Chair, if we could have  
 24 Mr., uh, Hernandez, uh, reiterate notice -- uh, who  
 25 notices go out to and that might explain why some

PC1-62  
cont. ]

1 people did not get notices.

2 MR. SANCHEZ: Sorry -- uh, sorry, ma'am. Yeah.  
3 I'm sorry, we've already closed the public comment,  
4 but whatever you mentioned is in the record already,  
5 ma'am. Thank you.

6 MS. FORT: Okay. Can I add to [inaudible]?

7 MR. SANCHEZ: Of course, Commissioner Ford. No  
8 wait, he asked a question of Mr. Hernandez.

9 MS. FORT: Oh, go ahead.

10 MR. HERNANDEZ: The notices were sent out, as we  
11 typically do, which is our 660, uh, foot radius.

12 Uh, we -- we understand and we actually -- uh,  
13 I've -- I've received about maybe 10 calls so far, uh,  
14 over the last few days. Um, one of those calls -- one  
15 of those comments had to do with the notices.

16 Uh, we did have the opportunity to go back and  
17 look at the neigh- -- neighboring, um -- uh, the  
18 surrounding neighborhoods and, uh, we -- we know that,  
19 uh, for future notices, we're going to expand those  
20 notices.

21 Obviously, we did a calculation of the 660 and,  
22 uh, it makes sense to expand those areas to try to,  
23 uh, include more people that will be affected, both  
24 in, uh, Bloomington and Jurupa Valley.

25 So, uh, moving forward, uh -- uh, again, it -- it



1 only -- it makes -- it makes sense to do it.

2 The thing is yo- -- we're going to expand it and  
3 there's probably going to be more people that may not  
4 be included, uh, but, you know, we -- we -- we can  
5 only do as much as, uh -- as much as we -- you know,  
6 well, it feels that it -- that it's appropriate.

PC1-62  
cont.

7 MR. MEYER: But the 660 feet already is more than  
8 state law requires?

9 MR. HERNANDEZ: Uh, cor- -- correct. In this  
10 particular case, this meeting is not required.

11 Uh, in fact, we'd like to have this meeting to  
12 give, uh, residents an opportunity to come and comment  
13 on the EIR.

14 So, uh, for future meetings, 660 is only  
15 required, but moving forward we'll expand -- we're  
16 going to expand that, uh --

PC1-62  
cont.

17 MR. MEYER: Uh -- uh, and -- and I think Mr.  
18 Chair -- and I'll quit this line of -- that anybody  
19 who is interested can also get on your mailing list,  
20 just talk to you after the meeting?

21 MR. HERNANDEZ: That is correct.

22 MR. SANCHEZ: And if --

23 MR. HERNANDEZ: And -- and, you know, if -- I --  
24 I do want to, uh, apologize for the residents, we did  
25 have this meeting five years ago and I was given some,

1 uh, names and addresses to -- to send out future  
2 notices.

3 I do apologize five years later, uh, that file  
4 somehow was, uh -- uh, it was in the change of, uh,  
5 office, but that file was deleted. So I do apologize  
6 and I -- I take full responsibility of that.

7 Uh, moving forward, uh, please provide me with  
8 your information and I'll make sure you get notified.

PC1-63

9 MR. SANCHEZ: So go- -- before commission report,  
10 one -- one more comment. So going forward, just to add  
11 on what, uh, Commissioner Meyer said, what is going to  
12 be the new expansion of the notice?

13 MR. HERNANDEZ: We -- we don't have a specific  
14 distance.

15 Um, obviously, uh, if you look at the  
16 neighborhood in, um, Bloomington, which is immediately  
17 to the east, uh, it makes sense to include all those -  
18 - uh, there's probably about, you know, nine blocks,  
19 uh, that, uh, it's all residential.

20 It makes sense to include all of that. Right now  
21 we probably only included maybe one-fourth of that  
22 area. So we just want to square o- -- square off the  
23 entire block. So we're going to include that.

24 Uh, going south, again, uh -- uh, Jurupa Valley,  
25 it's only 660. It makes sense to go further south at

1 least to a point where there's a, uh -- you know, a  
2 street or, uh -- you know, we want to capture the  
3 majority of those residents.

4 And -- and again, it's not going to be everybody,  
5 because obviously, we're not going to go all the way  
6 down to the, uh -- uh, 60, but at least try to capture  
7 as -- as -- at least the -- well, the majority of the  
8 people that will be affected by the project.

9 MR. SANCHEZ: Okay. Great. Sorry, Commissioner  
10 Fort.

11 MS. FORT: [Spanish]

12 MR. HERNANDEZ: [Spanish]

PC1-64

|  
|  
|  
|  
|  
|  
|  
|

13 MS. FORT: Okay. [Spanish] Um, the environmental,  
14 uh, that you mentioned, the noise, um, I also heard,  
15 um, air quality concerns, um, the traffic concerns,  
16 um, and also, the, uh, animals with regards to the --  
17 the trail -- the nature trail. So I know that's in the  
18 record, but, uh, we -- we did capture that. So --

19 MR. SANCHEZ: It's on the script. Commissioner  
20 Quiroga.

PC1-65

|  
|  
|  
|

21 MR. QUIROGA: Thank you, Chair. Going back, uh,  
22 to what city attorney said, um, how far can we extend  
23 this?

24 MALE: So reviewing the file and what was  
25 agendized, there would be a Brown Act violation to

1 continue it.

2 So what you're going to have is you're going to  
3 have an opportunity to have the comment period until  
4 now, then you're going to get another comment period  
5 for the final EIR in which you'll have another  
6 opportunity to provide comments, it'll come before the  
7 planning commission down the road and then you'll have  
8 another bite at the apple before the city council.

PC1-65 ]  
cont.

9 MR. QUIROGA: Tentatively, how long is that?

10 MALE: Uh, that's a question --

11 MR. HERNANDEZ: You know, if -- if --

12 MS. VASQUEZ: Yeah. We -- go ahead.

13 MR. HERNANDEZ: -- uh, if -- if I can add, uh,  
14 during this 45 days that we're going to be receiving,  
15 um, comments from not just the residents, but  
16 different agencies -- state agencies, uh, you know,  
17 AQMD, I mean, var- -- various agencies, um, we are  
18 legally obligated to respond to those comments.

19 So it depends on the number of comments that we  
20 receive. It may take us two weeks, it may take us a  
21 month. I mean, uh -- uh -- uh, it -- it depends on the  
22 -- uh, on the nature of the comments.

23 So we don't know exactly how long it's going to  
24 take us, because we haven't received all the comments.  
25 So, um, once we do that, uh, we can, uh, have a

1 hearing.

2 Um, at -- at least we've got to give a 10-day  
3 notice so those comments have been, um, addressed.

4 So, uh, it -- again, it could be a month, it  
5 could be a couple of months before we come back before  
6 the planning commission and then we have to go back to  
7 the city council as well.

8 MS. VASQUEZ: Um, I have a comment. You know, uh  
9 --

10 MR. SANCHEZ: Commissioner Vasquez.

PC1-66

11 MS. VASQUEZ: -- it seems like there's quite a  
12 few significant impact that this, um -- that this  
13 footprint of this warehouse and it seems that nobody  
14 in the residential area nor the arteries of, um -- of  
15 the roads. It's -- it's unsustainable it almost seems  
16 due to traffic, air quality.

PC1-67

17 You've exceeded what, um, some of these  
18 regulations are calling for. So it doesn't make any  
19 sense to proceed with the project that harms the air  
20 quality of -- if you look at the Hispanic population  
21 that's here, there -- a lot of them have asthma, you  
22 affect their air quality, you affect their health, you  
23 affect their quality of life by infecting their  
24 streets with, um, traffic that cannot be sustained  
25 because of the onramps and the arteries that don't

PC1-67  
cont.

1 exist to support the level of traffic that you're  
 2 going to impose on such a community.  
 3 And it is sad that, um, we have these EIR reports  
 4 and they s- -- they say the impacts and the negative  
 5 results of the air and the traffic, the noise, the  
 6 obstruction of the soil, the soil -- the- -- there is  
 7 a lot to be considered and there's a lot to be learned  
 8 still.

PC1-68

9 Um, I just -- as I'm reading this and I continue  
 10 to go over it, it's not something that I -- I could  
 11 support or could -- there -- there has to be some  
 12 severe mitigations to take away some of this air  
 13 quality and this air pollution that's going to be  
 14 imposed due to diesel, oil and the -- the size of this  
 15 warehouse is unbelievable, it's monstros- -- it's mon-  
 16 -- it's a monster, it's huge, 200-some odd acres.  
 17 That's my comment.

PC1-69

18 MR. SANCHEZ: Commissioner Quiroga.  
 19 MR. QUIROGA: Um, I'm a little unclear regarding  
 20 how the Brown Act violation would -- would, uh, be  
 21 involved here by simply extending the EIR comments.  
 22 MALE: We would have to have agendized that we're  
 23 going to take action and all we have agendized is that  
 24 we're receiving comment.  
 25 MR. MEYER: Can I ask -- can I make a suggestion?

1 MR. SANCHEZ: Go ahead.

PC1-70 | 2 MR. MEYER: Would it be possible, in our comments  
3 tonight, to ask, uh, staff to agendized this, uh, for  
4 the April 17th meeting where we could, at that time,  
5 direct staff to reopen comments for the draft EIR?  
6 Okay.

7 MR. SANCHEZ: Let's give him three minutes.

8 MR. MEYER: Okay. Sorry to interrupt.

9 MR. SANCHEZ: No. Thank you.

PC1-70 cont. | 10 MR. MEYER: Mr. Chair, if I might, uh, Mr. City  
11 Attorney, uh, could you also maybe check to see if  
12 it's possible that we could have a special meeting to  
13 approve it?

14 MR. SANCHEZ: Okay. [inaudible]. Can we hold this  
15 item open and just go directly to -- to director's  
16 comments and come back to it -- director's  
17 communications? We can come back to it. Huh? Well,  
18 we'll wait. Okay. We'll wait.

19 MR. HERNANDEZ: They can extend -- they can  
20 continue this until the end of the agenda and they can  
21 have, uh, director's communications, it's up to them.

22 MR. MEYER: Uh, Mr. Chair, I'm going to make a  
23 motion just so we can continue our business while, uh,  
24 we're waiting for the city attorney, make a motion  
25 that we just continue this item, uh, further down our

1 agenda and to take it either after the director's  
2 report or after commission comments; okay?

3 MR. SANCHEZ: Okay. Sounds good.

4 MR. MEYER: But before we adjourn.

5 MR. SANCHEZ: I second that motion.

6 MR. MEYER: Okay. Can we do an oral vote on that  
7 [inaudible]?

8 MR. SANCHEZ: All right. All in favor?

9 MR. MEYER: Aye.

10 MR. SANCHEZ: Aye.

11 MR. HERNANDEZ: Aye.

12 MS. FORT: Aye.

13 MS. LEWIS: That would be five in favor.

14 MR. SANCHEZ: Passed. Okay.

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I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 54 pages contain an edited, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

April 25, 2018

Chris Naaden

X \_\_\_\_\_

(Fontana Planning Commission, 3-20-18, Item F)

## **2.4.1 Responses to Comments Made at the March 22, 2018 Planning Commission Meeting**

### **Response to Comment PC1-1**

The Riverside County line borders the south side of the West Valley Logistics Center project site. All of the area to the south of the project site is within the City of Jurupa Valley. The proposed truck management plan for the West Valley Logistics Center is included in the WVLCSP and is set forth starting on page 3-9 of the 2<sup>nd</sup> RDEIR, including discussion of proposed truck routes, physical improvements proposed by the applicant, and fair share contributions to address impacts of project-generated truck traffic, and applicable enforcement mechanisms.

EIR Figure 3-4, which is reproduced below, illustrates the project's proposed truck routes. As shown in that figure, truck is proposed to be routed north along Locust Avenue to Slover Avenue and east along Jurupa Avenue to Cedar Avenue, and then to the I-10 interchanges at Sierra Avenue in the City of Fontana and at Cedar Avenue in unincorporated San Bernardino County, as well as to the Rubidoux Boulevard interchange on the SR 60 freeway in the City of Jurupa Valley and the Market Street interchange on the SR 60 freeway in the City of Riverside.

The impacts of project-related traffic on area roadways and freeways is set forth in Section 4.2.15 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment PC1-2**

Development of the project site was previously approved by the City of Fontana as the Valley Trails Specific Plan on May 8, 2007. The Valley Trails Specific Plan provides for development of a maximum of 1,154 homes, a 13.8-acre elementary school, 3.7-acre community center, 18-acre private park and trail system, 20.4-acre public park, and 69.2 acres of dedicated open space.

### **Response to Comment PC1-3**

This comment expresses an opinion regarding the need for housing within the City of Fontana does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR. A discussion of the effect of the proposed project on the availability of housing within the City of Fontana is provided in Section 4.2.12 of the 2<sup>nd</sup> RDEIR, which concludes no significant impacts would occur.

### **Response to Comment PC1-4**

The Final EIR for the West Valley Logistics Center includes responses to all comments provided during the public comment periods on the original Draft EIR (April 2014), 1<sup>st</sup> RDEIR (December 2014), and 2<sup>nd</sup> RDEIR (February 2018), as well as responses to comments made at the March 20, 2018 and April 17, 2018 Planning Commission meetings and responses to comments received by the City on the 2<sup>nd</sup> RDEIR through April 23, 2018.

The proposed project involves replacing the approved Valley Trails Specific Plan that provides for development of residential and park uses along with open space preservation with the proposed WVLCSP that provides for warehouse development and open space preservation.

### **Response to Comment PC1-5**

The EIR was prepared by the City of Fontana with assistance from a team of consultants (see EIR Chapter 9, *List of Preparers*). This comment expresses the opinion that the project's development standards must be stringent does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC1-6**

As stated above in Response to Comment PC1-1, the proposed truck management plan for the West Valley Logistics Center is set forth starting on page 3-9 of the 2<sup>nd</sup> RDEIR, including discussion of proposed truck routes, physical improvements and fair share contributions to address impacts of project-generated truck traffic, and applicable enforcement mechanisms. Impacts of project-related traffic are discussion in EIR Section 4.2.15.

### **Response to Comment PC1-7**

Impacts of project-related traffic are discussion in EIR Section 4.2.15.

### **Response to Comment PC1-8**

As stated above in Response to Comment PC1-1, the proposed truck management plan for the West Valley Logistics Center is set forth starting on page 3-9 of the 2<sup>nd</sup> RDEIR, including discussion of proposed truck routes, physical improvements and fair share contributions to address impacts of project-generated truck traffic, and applicable enforcement mechanisms. Impacts of project-related traffic are discussion in EIR Section 4.2.15.

### **Response to Comment PC1-9**

Applications for the proposed West Valley Logistics Center were submitted prior to initiation of the City's General Plan update and are being considered on their own merit separate from the City's General Plan update.

### **Response to Comment PC1-10**

The EIR's project description states that the improvements sought by the County in this comment are already part of the project. On page 3-2, the 2<sup>nd</sup> RDEIR states that the project's "primary off-site roadway improvements include widening and pavement improvements to Locust Avenue from Jurupa Avenue north to Slover Avenue and improvements along the south side of Jurupa Avenue from Locust Avenue east to Kessler Park." As stated in the WVLCSP, the proposed project will provide geometric improvements along the primary truck routes to the I-10 and SR 60 freeways to provide adequate site distance and room for turning movements. Determination of the specific improvements (e.g., pavement thickness, lane widths, curb returns for truck turning movements) that would be required to implement this performance standard would be made in coordination with San Bernardino County and the City of Jurupa valley for roadways under their jurisdictions. Thus, the applicant proposes to provide improvements within the City of Fontana, City of Jurupa Valley, and within unincorporated San Bernardino County.

## Response to Comment PC1-11

Discussion of Alternate 3, Multi-Tenant Business Park, is set forth in EIR Chapter 5, *Alternatives*. This alternative, which assumes development of a multi-tenant business park of a similar size as the proposed project (3.47 million square feet of building area) would result in 5,148 AM peak hour trips, 4,644 PM peak hour trips, and 45,936 daily trips. The projected number of daily trips under Alternative 3 is substantially (approximately 5 times) higher than what is expected under the proposed project (575 AM peak hour, 621 PM peak hour, and 6,383 daily trips), increasing the severity of Alternative 3's significant unavoidable traffic impacts.

Alternative 4, Reduced Multi-Tenant Business Park, which is also set forth in EIR Chapter 5, assumes development of a multi-tenant business park with 2.6 million square feet of building area. This alternative would result in 3,718 AM peak hour trips, 3,354 PM peak hour trips, and 33,176 daily trips, which is approximately four times higher than what is anticipated under the proposed project (575 AM peak hour, 621 PM peak hour, and 6,383 passenger car equivalent daily trips).

Thus, while a multi-tenant business park would substantially reduce truck traffic, the total amount of traffic that would be generated would be substantially greater than for the proposed project.

## Response to Comment PC1-12

This comment refers to EIR Alternative 7, which was the proposed project addressed in the original Draft EIR (April 2014) and the 1<sup>st</sup> RDEIR (December 2014). In that alternative, trucks would be prohibited from making left turns from Locust Avenue to access the Sierra Avenue interchange. A combination of signage and contractual restrictions on truck routes were proposed.

## Response to Comment PC1-13

This comment in correctly interprets the EIR, which was prepared by the City with the assistance of a consultant team (see EIR Chapter 9, *List of Preparers*). The EIR neither expressly states, nor does it imply that would be "unfair" not to approve the proposed project. The discussion in the Executive Summary, Section ES.7.7, identifies the environmentally superior alternative (other than the No Project/No Build Alternative) as the Reduced Intensity Logistics Center Alternative. This section notes that significant unavoidable air quality, GHG, and traffic impacts would be reduced, but not to below a level of significance. This section also notes that a 30 percent reduction in the size of the project would result in a proportional reduction in related employment and public benefits. The City of Fontana retains the discretion to not approve the proposed project, leaving the approved Valley Trails Specific Plan in place, or to approve the proposed project or any of the alternatives addressed in the EIR.

## Response to Comment PC1-14

The proposed Specific Plan includes requirements to minimize glare in Specific Plan requirement SP A-5 as follows:

**SP A-5: Glare.** All building exteriors within the West Valley Logistics Center Specific Plan area shall be composed of textured and other non-reflective materials, including high-performance tinted non-mirrored glass. Reflective materials on building exteriors that have a light reflectivity factor greater than 30 percent shall be limited to less than 25 percent of any wall area.

The 2<sup>nd</sup> RDEIR also notes on page 4.2.1-20 that glare from project site parking areas on adjacent roadways and residential neighborhoods would be reduced by screen walls and landscaping. The result would be a less-than-significant impact in relation to glare.

### **Response to Comment PC1-15**

The West Valley Logistics Center will be served by sewer as discussed in Section 6.2 of the Specific Plan and Section 4.2.13 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment PC1-16**

Starting on page 3-12 of the 2<sup>nd</sup> RDEIR is a discussion of how a property owners' association to which the City of Fontana would be a third party for enforcement purposes will be formed to ensure that project-generated trucks stay on the proposed truck routes. See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

### **Response to Comment PC1-17**

The concept of extending Alder Avenue south of Jurupa Avenue through the project site was determined to be infeasible due to the very steep hillside the roadway would need to traverse to make that connection. Extension of Alder Avenue from Jurupa Avenue through the project site to Locust Avenue would require extensive grading through an area proposed for habitat preservation, resulting in a significant impact on biological resources and substantially increasing air quality and construction noise impacts. Cutting a roadway through the existing hillside would also result in damaging the western hillside area as a scenic resource.

Additionally, extending Alder Avenue may not result in avoidance of any of the project's significant impacts due to the fact that the Alder Avenue extension would primarily serve the project's truck traffic and passenger cars would still utilize Locust Avenue. Additionally, the extension of Alder Avenue may also result in additional traffic impacts along Alder Avenue, Jurupa Avenue, and Sierra Avenue due to the increased traffic along this segment. New significant noise impacts would also occur along Jurupa Avenue west of Alder Avenue as the result of truck traffic.

Because the routing of truck traffic along Alder Avenue to Jurupa Avenue and Sierra Avenue not eliminate significant impacts addressed in the 2<sup>nd</sup> RDEIR and would (1) create new traffic and noise impacts along Alder Avenue, Jurupa Avenue, and Sierra Avenue, (2) create new biological resources impacts, and (3) increase construction-related air quality impacts the concept of extending Alder Avenue south of Jurupa Avenue through the project site was rejected.

### **Response to Comment PC1-18**

The applications for a General Plan amendment and a specific plan meet all applicable City of Fontana requirements, and have been accepted as complete by the City. Chapter 3 of the specific plan contains detailed design guidelines for site development and individual buildings that will be custom built to suit future businesses within the project site.

### **Response to Comment PC1-19**

Tentative Parcel Map 19156 has been filed with the City and shows a trail along the west side of Armstrong Street from the County line north to Jurupa Avenue. As stated in Mitigation Measure REC-1, an off-road trail will be “realigned so as to be within the utility corridor easement in the southeastern portion of the project site, between Parcels 5 and 6.” The existing trail that runs across the project site is informal, and there is currently no easement or dedicated right-of-way for the trail. As part of project site development, an easement or dedicated right-of-way will be created for the trail.

### **Response to Comment PC1-20**

See Response to Comment PC1-19 for discussion of trails. No development is proposed within the Southern California Edison easement other than widening of Locust Avenue.

### **Response to Comment PC1-21**

The proposed project involves replacing the approved Valley Trails Specific Plan that provides for development of residential and park uses along with open space preservation with the proposed WVLCSP that provides for warehouse development and open space preservation.

### **Response to Comment PC1-22**

Because residential development is not proposed as part of the West Valley Logistics Center, development of a park is not proposed. The applicant has proposed to make a public benefits payment to the City for use in expanding recreational resources. The existing trail that runs across the project site is informal. There is currently no easement or dedicated right-of-way for the trail across the site. As part of project site development, an easement or dedicated right-of-way will be created for the trail. See Response to Comment PC1-19 for discussion of trails. Kessler Park within unincorporated San Bernardino County is located approximately 1/3 mile east of the project site and serves the residential neighborhoods in the area.

### **Response to Comment PC1-23**

The public review period for the 2<sup>nd</sup> RDEIR was due to close on March 23; however, the public review period was extended to March 26 and closed at that time.

### **Response to Comment PC1-24**

This comment addresses timing of the applicant’s purchase of the project site and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR. The City believes that the property was purchased from the applicant for the Valley Trails Specific Plan subsequent to that Specific Plan’s approval in 2007 and sometime prior to 2011. Public review for the project was initiated with distribution of a Notice of Preparation on July 17, 2012.

The General Plan in place at the time the property was purchased by the applicant reflected the residential uses included in the Valley Trails Specific Plan.

### **Response to Comment PC1-25**

The purpose of the proposed General Plan amendment is to bring the specific plan into conformance with the City's General Plan. The West Valley Specific Plan would be consistent with the General Plan *as it is proposed to be amended*.

### **Response to Comment PC1-26**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project.

### **Response to Comment PC1-27**

See Response to Comment PC1-26.

### **Response to Comment PC1-28**

Pursuant to the requirements of CEQA, both the SCAQMD and the CARB submitted comments on the 2<sup>nd</sup> RDEIR. SCAQMD's comment letter on the 2<sup>nd</sup> RDEIR is presented in full in Section 2.3.17 of the Final EIR. See Responses to SCAQMD Comments SCAQMD-1 through SCAQMD-19 for specific responses regarding air quality and related health risk issues.

### **Response to Comment PC1-29**

The project site is currently vacant and is zoned and planned for residential use (Valley Trails Specific Plan). The San Bernardino County Public Works Department and Land Use Services Department, as well as the Bloomington Municipal Advisory Committee submitted comments on the 2<sup>nd</sup> RDEIR. The Department of Public Works' comment letter is presented in full in Section 2.3.13 of the Final EIR (see Responses to Comments SBC-1 through SBC-36). The Land Use Services Department's comment letter is presented in full in Section 2.3.14 of the Final EIR (see Responses to Comments SB-LU-1 through SB-LU-6). The Municipal Advisory Committee's comment letter is presented in full in Section 2.3.18 of the Final EIR (see Responses to Comments BMAC-1 through BMAC-5).

CARB's comment letter on the 2<sup>nd</sup> RDEIR is presented in full in Section 2.3.6 of the Final EIR. See Responses to SCAQMD Comments CARB-1 through CARB-9 for specific responses regarding air quality and related health risk issues. See also Responses to Comments BC-3, BC-7, and SBC-34.

### **Response to Comment PC1-30**

See Response to Comment PC1-29.

### **Response to Comment PC1-31**

Traffic impacts are analyzed in EIR Section 4.2.15. Trucks are not anticipated to use 7<sup>th</sup> Street, 11<sup>th</sup> Street, or Maple Avenue. See Response to Comment PC1-1 for a discussion of truck routes. See

Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

### **Response to Comment PC1-32**

Air quality issues are addressed in Section 4.2.2 and traffic issues are addressed in Section 4.2.15 of the 2<sup>nd</sup> RDEIR. Comments made regarding property values represent the opinion of the commenter and do not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC1-33**

Roadway improvements within unincorporated San Bernardino County will be funded through the San Bernardino County Regional Transportation Development Mitigation Program. In addition, the 2<sup>nd</sup> RDEIR identifies the following improvements and funding contributions are proposed by the applicant as part of the project wholly or partly within unincorporated San Bernardino County:

- Widen Locust Avenue between Jurupa Avenue and Slover Avenue to provide four travel lanes with a pavement section adequate to support proposed truck traffic. As stated in the WVLCSP, Locust Avenue would be initially improved with one travel lane in each direction, with widening to two lanes in each direction undertaken at such time as traffic warrants.
- *Locust Avenue/Slover Avenue* intersection: provide northbound left-turn lane, westbound left-turn lane, and northbound right-turn lane.
- Provide full half-width roadway improvements along the south side of Jurupa Avenue from Locust Avenue to Kessler Park, where full half-width improvements along the south side of Jurupa Avenue are currently in place.
- Widen the westbound approach of Jurupa Avenue to Locust Avenue to accommodate a westbound left-turn pocket.
- Provide traffic signals at the following intersections:
  - Locust Avenue /Jurupa Avenue (construct)
  - Locust Avenue/11<sup>th</sup> Street (construct)
  - Locust Avenue/7<sup>th</sup> Street (construct)
  - Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the San Bernardino County Regional Transportation Development Mitigation Program)
  - Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County)

While the proposed project would not be required to make annual payments to the County for maintenance of County roadways, as stated in the WVLCSP, the proposed project will provide improvements (e.g., pavement thickness, lane widths, curb returns for truck turning movements) along the primary truck routes to the I-10 and SR 60 freeways to accommodate truck travel and provide adequate site distance and room for turning movements.



### **Response to Comment PC1-34**

Impacts of truck travel from the proposed project are addressed in Section 4.2.15 of the 2<sup>nd</sup> RDEIR. Trucks in and of themselves do not necessarily represent a greater safety risk because, although their size and mass is greater than passenger vehicles, they are often traveling at slower speeds and are more visible than smaller vehicles. The County has recently approved an approximately 675,000 square foot warehouse on the northwest corner of Cedar Avenue and Jurupa Avenue which is in active construction (County Project No. P201500122). The County is also currently processing a proposal for a similar warehouse at the northeast corner of Jurupa Avenue and Locust Avenue adjacent to the proposed project. Both of these County projects, in addition to the proposed project, provide off-site improvements, including the installation of curbs, sidewalks, and traffic signals, as well as the widening of roadways. These off-site improvements increase pedestrian safety. Notably, (and correctly), the County did not determine that the approximately 675,000 square foot warehouse on the northwest corner of Cedar Avenue and Jurupa Avenue would result in a significant and unavoidable impact to pedestrian safety. No substantial evidence has been provided that the proposed project has the potential to result in negative impacts on pedestrian safety.

### **Response to Comment PC1-35**

Noise impacts during both project construction and ongoing operations are addressed in Section 4.2.11 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment PC1-36**

The comment does not explain what statement was made by Mr. Hernandez to the commenter or what the context of that statement was. The project was placed on hold to analyze traffic distribution. The project was not withdrawn.

### **Response to Comment PC1-37**

Public notices regarding the West Valley Logistics Center project comply with State and local law.

### **Response to Comment PC1-38**

The City of Fontana is processing a request from UST-CB Partners, LLP, which proposes to replace the Valley Trails Specific Plan with the WVLCSP and to develop the site with warehouse distribution uses. Noise impacts are addressed in EIR Section 4.2.11, including measures to reduce noise during site construction and ongoing operations. EIR Figure 3-3 identifies proposed locations of sound walls to reduce noise of on-site operations. Exhibit 10-A shown in Appendix K of the 2<sup>nd</sup> RDEIR identifies the necessary temporary barriers that will be required to reduce noise impacts.

### **Response to Comment PC1-39**

This comment does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR. The City of Fontana will establish and enforce no truck parking requirements on residential streets within the City but cannot enforce any no truck parking requirements that may existing within unincorporated San Bernardino County.

## Response to Comment PC1-40

It is unclear from this comment what specific street the speaker is concerned with. As shown in Figure 3-4 of the 2<sup>nd</sup> RDEIR, project-related trucks will be traveling on Locust Avenue, Slover Avenue, Sierra Avenue, Cedar Avenue, Rubidoux Boulevard, and Market Street, and will not be traveling on local residential streets. In addition, the applicant proposes to provide improvements (e.g., pavement thickness, lane widths, curb returns for truck turning movements) along the primary truck routes to the I-10 and SR 60 freeways to accommodate truck travel and provide adequate site distance and room for turning movements. See West Valley Logistics. Center Specific Plan, Chapter 4, Transportation and Circulation.

Trucks in and of themselves do not necessarily represent a greater risk to these groups of persons because, although their size and mass is greater than passenger vehicles, they are often traveling at slower speeds and are more visible than smaller vehicles. Regardless of these differences, for CEQA purposes it must be assumed that drivers related to the project, whether they be driving trucks or passenger vehicles (or additional residents if the project site were to remain residential), will obey all traffic laws, speed limits, and signage which provide for public safety along local streets and at intersections. In addition, the project would be adding sidewalks which do not currently exist. Sidewalk construction along Locust Avenue, Jurupa Avenue, Armstrong Road, and Alder Avenue would be provided by the project to facilitate pedestrian access throughout the area. The project will also be required to add traffic signals. These features will improve overall safety for pedestrians and bicyclists on local roads compared to existing conditions. Moreover, although truck trips have increased significantly in the immediate vicinity of the project, including in the County of San Bernardino, and including throughout the proposed truck travel routes, there have not been any increased impacts from these uses to safety or pedestrian and bicycle activity. Thus, additional discussion beyond what is already provided in relation to Impact TRA-4 is not necessary.

## Response to Comment PC1-41

The trail existing on the project site will not be taken away but will be relocated and retained for permanent use. The habitat areas within hillside, western portion of the site will be retained in permanent open space.

## Response to Comment PC1-42

EIR Figure 3-4, which is reproduced in Response to Comment PC1-1, illustrates the project's proposed truck routes. As shown in that figure, a portion of project-generated trucks are proposed to be routed north along Locust Avenue to Slover Avenue then to the I-10 interchange at Sierra Avenue in the City of Fontana. The concept of extending Alder Avenue south of Jurupa Avenue through the project site, thereby directing truck traffic headed to the I-10 interchange at Sierra Avenue to the interchange via Jurupa Avenue and Sierra Avenue was determined to be infeasible due to the very steep hillside the roadway would need to traverse to make that connection. Extension of Alder Avenue from Jurupa Avenue through the project site to Locust Avenue would require extensive grading through an area proposed for habitat preservation, resulting in a significant impact on biological resources and substantially increasing air quality and construction noise impacts. Cutting a roadway through the existing hillside would also result in damaging the western hillside area as a scenic resource.

Additionally, extending Alder Avenue may not result in avoidance of any of the project's significant impacts due to the fact that the Alder Avenue extension would primarily serve the project's truck traffic and passenger cars would still utilize Locust Avenue. Additionally, the extension of Alder Avenue may also result in additional traffic impacts along Alder Avenue, Jurupa Avenue, and Sierra Avenue due to the increased traffic along this segment. New significant noise impacts would also occur along Jurupa Avenue west of Alder Avenue as the result of truck traffic.

Because the routing of truck traffic along Alder Avenue to Jurupa Avenue and Sierra Avenue not eliminate significant impacts addressed in the 2<sup>nd</sup> RDEIR and would (1) create new traffic and noise impacts along Alder Avenue, Jurupa Avenue, and Sierra Avenue, (2) create new biological resources impacts, and (3) increase construction-related air quality impacts the concept of extending Alder Avenue south of Jurupa Avenue through the project site was rejected.

### Response to Comment PC1-43

Project-related trucks will be traveling on Locust Avenue, Slover Avenue, Sierra Avenue, Cedar Avenue, Rubidoux Boulevard, and Market Street, and will not be traveling on local residential streets. Noise impacts are analyzed in Section 4.2.11 of the 2<sup>nd</sup> RDEIR. The comment is incorrect in its assertion that the project would be stopped if contamination is found on site. Specific Plan Requirement SP-HM-1 sets forth a performance standard and requirements to ensure public safety and site remediation should such remediation be required.

### Response to Comment PC1-44

The WVLCSP contains the following Specific Plan requirement that will be enforced by the City to ensure public safety in relation to any soil residue from past agricultural practices on site.

**SP-HM-1: Sampling and Remediation.** Prior to submittal of a grading permit for the West Valley Logistics Center Specific Plan area, a Phase II Environmental Site Assessment (ESA) will be prepared for any portions of the project area in which there is evidence of previous contamination, as identified in the Phase I ESA. The Phase II ESA will be submitted to the Fontana Director of Community Development and the San Bernardino County Division of Environmental Health Services (DEHS) for review and approval. The Phase II ESA will include, but not be limited to, the following:

- A scope of work for preparation of a Health and Safety Plan that specifies pre-field activity marking of boring locations and obtaining utility clearance, and Field Activities, such as identifying appropriate sampling procedures, health and safety measures, chemical testing methods, and quality assurance/quality control procedures in accordance with the ASTM International Standards.
- Necessary permits for well installation and/or boring advancement.
- A Soil Sampling and Analysis Plan in accordance with the scope of work.
- Laboratory analyses conducted by a state-certified laboratory.
- Disposal processes, including transport by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat hazardous waste.
- An asbestos-containing materials survey for analysis of demolition/construction debris located on site.

The Phase II ESA shall provide verification whether any portions of the project site are contaminated and require remediation to achieve risk-based cleanup standards<sup>4</sup> of an acceptable excess cancer risk of  $1 \times 10^{-5}$  or as otherwise established by the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), or DEHS for construction workers and workers within proposed uses on site. The applicant and project contractor(s) shall be required to follow the recommendations and specific measures included in the Phase II ESA, specifically if contamination exists on site, and follow measures for site remediation in accordance with the applicable regulatory agency. If any hazardous materials are discovered, a plan for their proper remediation shall be prepared in accordance with applicable requirements of the California Division of Occupational Safety and Health and the County of San Bernardino Environmental Health Services. Should underground storage tanks be determined to remain on site, they shall be removed pursuant to the recommendations of the Phase II ESA and the applicable requirements of the City of Fontana, DTSC, RWQCB, and DEHS.

In the event that that the Phase II ESA identifies contamination on site, the following remediation measures may be employed (site specific recommendations and measures will be included in the Phase II ESA based on sampling results):

- Targeted Excavation with Off-site Disposal. With this technology, heavily contaminated soil is excavated and transported by truck or rail to a permitted off-site treatment and disposal facility. Pretreatment may be required at the disposal facility prior to disposal.
- Targeted Excavation with On-site Treatment. With this technology, heavily contaminated soil is excavated and stockpiled on site for treatment and subsequent reuse on site. Potential treatment technologies include:
  - Plasma arc centrifugal treatment technology, which uses heat generated by a plasma arc to melt the inorganic portion of waste material while destroying the organic portion, creating an inert slag that can be reused on site;
  - Smoldering treatment technology, a new technology to remediate oil in the subsurface, either in situ or above ground in treatment chambers following excavation that uses smoldering combustion (the type of combustion that turns charcoal into ash in a barbeque grill) to quickly and efficiently destroy contaminants; and
  - Bioremediation, which uses naturally occurring microorganisms to degrade organic contaminants in soil.
- Targeted Excavation with On-site Extraction. With this technology, moderately contaminated soil is excavated and placed in areas that will be covered by soil, concrete slabs, or other structures that prevent contact with the soil.

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<sup>4</sup> Regulatory agencies have historically used conservative standard-based criteria (i.e., drinking water standards) or required cleanups to background levels, often assumed to be pristine environments, which can sometimes lead to costly cleanup requirements. There has recently been a trend to use site-specific risk-based cleanup goals instead of standard-based or background levels. Rather than pre-determining specific contaminant levels to be applied to every site regardless of the risks involved in exposure of the public to contaminants, risk-based cleanup goals involve application of performance standards (e.g., acceptable cancer risk) to site-specific conditions based on actual health and environmental risk posed by contaminants in the ground or water. As a result, land uses where risks to the public health are higher (e.g., residential) will have more stringent clean-up requirements than would less sensitive uses (e.g. industrial), given the same level of cancer risk (City of Brisbane. 2013. Brisbane Baylands Draft Environmental Impact Report. State Clearinghouse #2006022136. Prepared for City of Brisbane, CA by ESA. June. Available: <http://www.ci.brisbane.ca.us/baylands-deir>).

All grading within the boundaries of the former Crestmore Waste Disposal Site shall be in accordance with the requirements of California Code of Regulations Title 27, Environmental Protection.

**Installation of Sub-slab Vapor Barriers.** To minimize potential vapor intrusion into proposed new buildings within 1,000 feet of the Crestmore Waste Disposal Site footprint, sub-slab vapor barriers can be employed in the proposed project area as a passive option if methane testing conducted prior to issuance of building permits indicates the presence of methane or other volatile gases.

Additionally, and prior to site construction, the applicant shall undertake the following actions in accordance with the performance standards provide herein to ensure safe conditions of the site.

**Additional Air Pollutant and Greenhouse Gas Emissions Analysis.** Should site remediation and/or soil excavation be required as part of implementation of this measure, additional analysis of the air quality and greenhouse gas emissions associated with such site remediation and/or soil excavation will be required.<sup>5</sup>

**Asbestos and Lead Based-Paint Sampling.** Sampling shall be undertaken to confirm the absence of asbestos and lead-based paint in the remnant construction debris on site. The soil sampling shall include applicable sampling procedures pursuant to the directives of the DEHS and shall be subject to review by the DEHS.

### Response to Comment PC1-45

Formal notification project meetings and availability of environmental documents comply with state and local law.

### Response to Comment PC1-46

This comment represents the commenter's opinion regarding their preferred land use for the site and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### Response to Comment PC1-47

The project's recreation impacts are addressed in EIR Section 4.2.14, traffic impacts are addressed in EIR Section 4.2.15.

### Response to Comment PC1-48

The "other outside population" that would be present on site would be construction workers during site grading and construction and warehouse workers and visitors to on-site business during ongoing operations.

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<sup>5</sup> While this measure sets performance standards for safety in relation to hazardous materials, such air quality and greenhouse analyses cannot be undertaken at this time because the actual need for remediation and specific methods to accomplish site remediation, as well as the amount of any additional grading activity to be undertaken as part of site remediation, would be determined as part of a Soil Management Plan or Remedial Action Plan undertaken prior to approval of a grading plan.

### **Response to Comment PC1-49**

Locust Avenue is currently a north-south two-lane street with one travel lane in each direction. The applicant proposes to improve and widen this roadway to its planned four-lane roadway configuration as part of the proposed project.

### **Response to Comment PC1-50**

The applicant propose to improve and widen Locust Avenue to its planned four-lane roadway configuration as part of the proposed project. The project would also provide traffic signals at the following intersections:

- Locust Avenue /Jurupa Avenue (construct)
- Locust Avenue/11<sup>th</sup> Street (construct)
- Locust Avenue/7<sup>th</sup> Street (construct)
- Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the San Bernardino County Regional Transportation Development Mitigation Program)
- Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County)

### **Response to Comment PC1-51**

Public notices for West Valley Logistics Center meetings and availability of environmental documents have complied with the requirements of State and local law.

### **Response to Comment PC1-52**

Traffic impacts are addressed in EIR Section 4.2.15. The full comment letter from the Center for Community Action and Environmental Justice can be found in Section 2.3.19 of the Final EIR. See Responses to Comments CCAEJ-1 through CCAEJ-18.

### **Response to Comment PC1-53**

See Response to Comment PC1-1 for discussion of truck routes. See Response to Comment PC1-33 for discussion of roadway improvements that will be provided by the project.

### **Response to Comment PC1-54**

As shown in EIR Table 4.2.15-13, the project would generate 3,242 daily truck trips. A supplemental focused traffic assessment was prepared to evaluate the study area intersections using the latest ITE *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017, as requested by the San Bernardino County Department of Public Works. Based on the most recent ITE *Trip Generation Manual*, the project would generate only 1,435 daily truck trips.

### **Response to Comment PC1-55**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was



No person shall operate or cause the operation of any stationary source of noise at any location or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, to exceed:

- The noise standard specified above for the receiving land use for a cumulative period of more than 30 minutes in any hour.
- The noise standard specified above for the receiving land use plus 5 dBA for a cumulative period of more than 15 minutes in any hour.
- The noise standard specified above for the receiving land use plus 10 dBA for a cumulative period of more than 5 minutes in any hour.
- The noise standard specified above for the receiving land use plus 15 dBA for a cumulative period of more than 1 minute in any hour.
- The noise standard specified above for the receiving land use plus 20 dBA for any period of time.

If the noise exceeding the applicable noise standard or the ambient noise level consists entirely of impact noise or simple tone noise, each of the noise levels described above shall be reduced by 5 dBA.

The preceding performance standards do not apply to the following uses, each of which shall meet any applicable requirements of the City of Fontana:

- Motor vehicles;
- Emergency equipment, vehicles, devices, and activities; and
- Temporary construction, maintenance, or demolition activities conducted between the hours of 6:00 a.m. and 7:00 p.m.

**SP-N-2: Installation of Sound Barriers on Site.** Screen wall/noise barriers will be constructed near Buildings 1, 2, 3, 4, and 7, as shown on Exhibit 10-A of the West Valley Logistics Center Noise Impact Analysis, to shield noise from adjacent sensitive receptors, including along Locust Avenue and near sensitive receptors within the City of Jurupa Valley to the south and the County of San Bernardino to the east. Screen walls would be constructed from cement or concrete masonry units along the eastern project boundary adjacent to Building 1, with two rolling gates that can be opened and closed during truck operations at night to shield the openings for truck entrances. A screen wall would also be constructed along the western project boundary adjacent to Building 2, with a wrap-around portion on the north side to cover the parking area on the west side of the building. This screen wall would further reduce truck operational noise from the west side of Building 2 for residences to the northwest of the project side. Additionally, a screen wall would be constructed along the south/east side of Building 4. Noise barriers will be installed with noise-attenuating qualities and will have a minimum height of 12 feet above grade.

In addition, minimum 8-foot high temporary construction noise barriers will be installed at the project site boundaries adjacent to sensitive receivers, as shown in the West Valley Logistics Center Noise Study, for the duration of mobile-equipment construction activities for the duration of the site preparation and grading stages of project construction. The noise-control barriers must have a solid face from top to bottom. The noise-control barriers must meet the minimum height and be constructed as follows:



The temporary noise barriers will provide a minimum transmission loss of 20 A-weighted decibels (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier is to be constructed using an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts.

The noise barrier will be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground will be promptly repaired.

The noise control barrier and associated elements are to be completely removed and the site appropriately restored upon the conclusion of the construction activity.

Alternatively, the planned 14-foot-high permanent screen walls (noise barriers) at the eastern project site boundary adjacent to Locust Avenue, shown on Figure 3-3, if built prior to project construction, can replace the 8-foot-high temporary noise barriers intended to reduce the construction noise levels at homes on Locust Avenue between 11<sup>th</sup> and 8<sup>th</sup> Streets.

**SP-N-3: Truck Idling.** To reduce potential noise impacts related to truck idling during project operations, deed restrictions and parking lot signage shall limit the maximum number of trucks idling on the east side of Building 1 to 20 trucks during nighttime hours between 10:00 p.m. and 7:00 a.m. Proposed deed restrictions and parking lot signage will be submitted to the City of Fontana Community Development Department for review and approval prior to issuance of a certificate of occupancy.

### **Response to Comment PC1-62**

Public notices for West Valley Logistics Center meetings and availability of environmental documents complied with the requirements of State and local law.

### **Response to Comment PC1-63**

The area for which public notices for West Valley Logistics Center meetings and availability of environmental documents will be expanded and comply with the requirements of State and local law. The area for which public notices for West Valley Logistics Center meetings and availability of environmental documents will be expanded to 1,320 feet, twice the distance of the current City's requirement and will comply with the requirements of State and local law.

### **Response to Comment PC1-64**

Noise issues are addressed in EIR Section 4.2.11, air quality issues are addressed in EIR Section 4.2.2, traffic issues are addressed in EIR Section 4.2.15, and biological resources issues are addressed in EIR Section 4.2.3. See Response to Comment PC1-19 for discussion of the on-site trail.

### **Response to Comment PC1-65**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project, although specific written responses to such comments will not be prepared.

### **Response to Comment PC1-66**

The EIR concludes that significant unavoidable air quality, GHG emissions, noise, and traffic impacts would result from the proposed project. Whether the project is “sustainable” represent the opinion of the commenter and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC1-67**

It is unclear what “regulations” the commenter is referring to. While the EIR concludes that air quality, GHG emissions, noise, and traffic thresholds of significance would be exceeded, the EIR makes no assertion that the proposed project would violate any applicable “regulations.” The EIR does, however, conclude that health risk impacts would be less than significant. See also Response to Comments BC-3, BC-7, CARB-3, CJV-24, and SBC-34 for discussion of health risk impacts.

Noise issues are addressed in EIR Section 4.2.11, air quality issues are addressed in EIR Section 4.2.2, traffic issues are addressed in EIR Section 4.2.15, and biological resources issues are addressed in EIR Section 4.2.3.

Issues related to on-site soils were determined in the 2<sup>nd</sup> RDEIR to be less than significant (see 2<sup>nd</sup> RDEIR Section 4.2.8 in relation to potential contamination issues, Section 4.2.9 in relation to erosion hazards, and Section 4.2.6 in relation to potential geologic hazards).

### **Response to Comment PC1-68**

This comment reflects the opinions of the commenter regarding the project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR. While the project site is 291 acres in size, the actual development area encompasses 212.11 acres. The balance of the site consists of open space preservation (55.23 acres), detention basins (16.47 acres), and roadway rights-of-way (7.5 acres).

### **Response to Comment PC1-69**

This comment reflects discussion by the Planning Commission as to whether its agenda for the March 20 meeting would permit or prohibit taking action on extending the public review period. The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project, although specific written responses to such comments will not be prepared.

### **Response to Comment PC1-70**

See Response to Comment PC1-69.

Comment Letter PC2

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TRANSCRIPT OF  
FONTANA PLANNING COMMISSION  
UNFINISHED BUSINESS, ITEM A  
APRIL 17, 2018

NOBLE TRANSCRIPTION SERVICES - 714.335.1645

1 MR. SANCHEZ: Ms. Lewis, um, how many cards do we  
2 have so far to speak on item A of unfinished business?

3 MS. LEWIS: [inaudible]

4 MR. SANCHEZ: One card at this time. Okay. If  
5 anybody wants to speak on this item, please bring up  
6 your cards so we know we can do a head count and how  
7 long we're going to --

8 MS. LEWIS: Thank you. [inaudible]

9 MR. SANCHEZ: -- how much time we're going to put  
10 on this.

11 MS. LEWIS: Unfinished business. Yes. Thank you.

12 MR. MEYER: Mr. Chair, maybe just so people are  
13 for sure, since I kind of confused the issue, this  
14 would be a discussion on the draft EIR for the West  
15 Valley, uh, Logistics Project.

16 MR. SANCHEZ: Okay. Where is it?

17 MS. FORT: Mr. Chair, I'd also, uh, like to ask  
18 that we have a five-minute recess opportunity to  
19 review an item that was provided.

20 MR. SANCHEZ: For the record, uh, we rec- --  
21 received an item, uh, via in-person, but it came  
22 through the mail -- an email in regards to master case  
23 number 13-034, general plan amendment number 11-026.

24 Um, we're going to take a, uh --

25 MR. MEYER: Mr. Chair.

1 MR. SANCHEZ: Yes.

2 MR. MEYER: Um, normally, I would be in  
3 agreement, but I think tonight, um, the -- the most we  
4 could do with this, we're actually not going to  
5 discuss it, is maybe, uh -- uh, direct staff to enter  
6 it into the record and to, uh, direct staff to have  
7 the, uh -- the environmental consultant look at any  
8 environmental issues in this letter and respond to  
9 them for when the report comes back to us.

10 MR. SANCHEZ: Is that satisfactory to you, Ms.  
11 Fort?

12 MS. FORT: I can't respond, because I haven't had  
13 an opportunity to review it, but --

14 MR. MEYER: In that case, I will withdraw my  
15 suggestion.

16 MR. SANCHEZ: Why don't we take a, uh, quick --

17 MS. FORT: I was just asking for five minutes. So  
18 --

19 MR. SANCHEZ: -- let's take a -- a quick five-  
20 minute recess, ladies and gentlemen so that way  
21 everybody that wants to fill out a card can fill out a  
22 card and we'll come back.

23 [recess]

24 MR. SANCHEZ: At this time, we're back in session  
25 and I'm going to open, uh -- open this up just for

1 public comments.

2 MALE: Staff will give a brief report and then  
3 after that, you can open up for public comments and  
4 then you'll give a recommendation.

5 MR. SANCHEZ: Okay.

6 MR. HERNANDEZ: Good evening, Chair, members of  
7 the commission, uh, my name is Orlando Hernandez.

8 Uh -- um, the -- the item before you tonight  
9 it's a consideration for reopening the comment period  
10 for, uh, draft EIR. As you may recall, this item was  
11 before you, uh, roughly about a month ago.

12 Uh, it was regarding, uh, receiving public  
13 comments on the environmental document, uh, from both  
14 the planning commission and, uh -- and the public as  
15 well.

16 Um, we did receive a number of comments and  
17 those comments have been, uh, forwarded to our  
18 environmental consultant. Uh, they have been given  
19 direction, obviously, to respond to those comments.

20 Uh, those comments, along with any additional  
21 comments that we get, will be made part of a final  
22 environmental impact report.

23 Uh, at the, uh, last planning commission  
24 meeting, there was discussion about the project and,  
25 uh, possibly, uh, bringing this project back for, uh,

1 reconsideration of reopening the public period.

2 As the staff report indicates, uh, the staff is  
3 not in, uh -- in support of that for a couple of  
4 reasons. One is, um, this is something that we haven't  
5 done in any of the previous projects.

6 So we don't want to set any new precedents in  
7 terms of, uh, extending public, uh, review periods.  
8 Uh, and also, um, it -- it would also add additional,  
9 um, time to the, uh -- to the process as well.

10 Uh, one thing that I do want to mention is that  
11 if the planning commission, uh, wishes to do that, it  
12 would also, um -- would, uh -- uh, require staff to go  
13 back and re-notice the project so the planning  
14 commission can make a formal action in -- in -- in,  
15 uh, effectively doing -- doing that as well.

16 Uh, there's some -- there's some timing involved  
17 and some cost involved with regards to noticing and  
18 preparation of the staff report.

19 Uh, the one thing the staff will want to mention  
20 is that the public has the ability to provide comments  
21 throughout the entire process, um, effectively  
22 tonight. Um, the project is required to come back  
23 before the planning commission.

24 Uh, the public will have the opportunity to  
25 provide additional comments at that point if they

1 choose to.

2 Uh, eventually, this probably needs to go  
3 forward, um, to the city council as well and that will  
4 be an additional, uh, opportunity for, uh, the public  
5 to provide comments, not only on the environmental,  
6 but also, on the project itself.

7 So, um -- uh, staff believes that there's --  
8 there's, um, multiple opportunities for the public,  
9 uh, any comments, whether they're project related or  
10 environmental related.

11 We are required to provide, uh, proper  
12 responses, uh, as -- and those responses will be  
13 included as part of the environmental document.

14 So with that, um, I'm available to answer any  
15 questions if you have any; okay?

16 MALE: Can I just note for the record that we're  
17 not reopening, this would be a supplemental commentary  
18 period; all right?

19 MR. SANCHEZ: And the usual suspect, Mr. Meyer.

20 MR. MEYER: Thank you, Mr. Chairman. Uh, thank  
21 you, Mr. Hernandez. Um, could you possibly tell us if  
22 we essentially don't do anything tonight, what do you  
23 estimate the trajectory is going to be?

24 Uh, when would it, uh -- how much longer will  
25 the public have to comment, how much, uh -- you know,



1 about when do you expect it to come before commission,  
2 uh, how long that process will take and when you think  
3 it's be- -- coming before council?

4 MR. HERNANDEZ: Um, as -- as you're probably  
5 aware, the public comment period closed a few weeks  
6 ago. Uh, we did receive a significant number of  
7 comments.

8 So we're in the process of responding to those  
9 comments. Based on the number of comments that we  
10 receive and -- and the amount of work that it's going  
11 to require to respond to those comments.

12 Uh, we're taking perhaps around two months  
13 before we complete that process and able to notice and  
14 potentially come back to planning commission. So, um,  
15 you're loo- --

16 MR. MEYER: So by August at the earliest?

17 MR. HERNANDEZ: -- you -- you're loo- -- you're  
18 looking at July probably the earliest that we can come  
19 back assuming we're, uh, able to adequately respond to  
20 all the comments and we make sure that everything's  
21 read and -- and -- and -- and correct on the document.

22 MR. MEYER: Uh, and then you kind of hit at my,  
23 uh, other, uh, question, but I want to be sure it  
24 gets, uh, isolated in the answer. All the  
25 environmental comments -- and we're only talking about

PC2-1 [

PC2-1  
cont.

1 environmental reports, so it's only environmental  
2 comments.  
3 But all the environmental comments since day  
4 one, when this fir- -- they -- they first opened the  
5 comment period will be addressed in the, uh, final one  
6 that comes before us?  
7 MR. HERNANDEZ: That -- that is correct.  
8 MR. MEYER: Okay. Thank you.  
9 MR. SANCHEZ: Anymore questions from our  
10 commission?  
11 MR. MEYER: Can -- can I just add to that q  
12 question? I'm sorry, Mr. Chair.  
13 MR. SANCHEZ: Sure.  
PC2-2  
14 MR. MEYER: Including tonight's document, uh --  
15 uh, at some degree, you will say we can't address  
16 anymore, but I'm assuming if people were to get their  
17 comments in in the next week or two, you would try to  
18 incorporate those; correct?  
19 MR. HERNANDEZ: That -- that is correct.  
20 MR. MEYER: Okay. Thank you.  
21 MR. SANCHEZ: Secretary Fort, you've got a  
22 question?  
PC2-3  
23 MS. FORT: Yeah. Just, uh, to build on Larry's  
24 question, you talk about going back to day one. Just  
25 to refresh on how far back that is it's prior to my

PC2-3  
cont.

1 time here; right?  
2 So how far back, I guess, and any estimate on  
3 how many comments? I know you said quite a few. Uh,  
4 ballpark that.  
5 MR. HERNANDEZ: We -- we -- we have close to 200  
6 comments that we received from multiple agencies and,  
7 uh, residents. Um, one of those comments also  
8 included, I'd say, one general comment.  
9 All the previous comments that were, uh,  
10 provided to the original document that was circulated  
11 three or four years ago. So to the extent that those  
12 comments are -- are applicable to the new document, we  
13 have to respond.  
14 If that -- if any comment is not applicable,  
15 then we'll just make a note that that comment is no  
16 longer applicable to a revised document, but if it is  
17 applicable, we -- we will respond to those comments.  
18 MR. SANCHEZ: Any questions -- anymore questions  
19 for staff? If not, Ms. Lewis, can you tell us how many  
20 cards we have to speak tonight?  
21 MS. LEWIS: At this point, I have eight cards.  
22 MR. SANCHEZ: Okay. So at this time, I'd like to  
23 open public hearing and call up --  
24 MS. LEWIS: Okay.  
25 MR. SANCHEZ: -- we're going to -- what we're

1 going to do is we're going to -- you have eight people  
2 -- eight cards?

3 MS. LEWIS: Eight people.

4 MR. SANCHEZ: So we're going to cut it down to  
5 three minutes per person then.

6 MS. LEWIS: Okay.

7 MR. SANCHEZ: That way we give a chance for  
8 everybody to speak.

9 MS. LEWIS: That gives you each an opportunity to  
10 speak for three minutes and I will cue you up in fours  
11 and the first four people will line up in this order,  
12 Gary Gro- -- Gross- -- Grossich, Anna Cruz [ph],  
13 Thomas Reese [ph] and Thomas Rokas [ph].

14 Uh, if I mispronounced your name, please correct  
15 me and state your name when you get to the podium.  
16 Thank you.

17 MALE: I'd like to just add if someone does make  
18 a comment and you fully endorse that and it's captured  
19 or you want to say -- you can just tack that comment  
20 onto theirs or endorse it.

PC2-4 | 21 MR. GROSSICH: Okay. Um, thank you, uh, Chair,  
22 commission. Um, before I get started, just for a point  
23 of clarity, now, this is not a public hearing;  
24 correct? It's not a notice of public hearing?

25 So I'm -- I'm a little confused as to whether,

PC2-4  
cont.

1 uh, our comments tonight are going to go on the record  
 2 or we're going to come back, uh, you're just -- you're  
 3 just taking action to actually extend the time and --  
 4 and at a later date, we open the public hearing?

5 MALE: We will be reopening the public hearing  
 6 tonight. You can have your comments, they will be  
 7 taken as part of the record and we will be providing  
 8 written response to your comments.

9 MR. GROSSICH: Okay. So this would be part of --  
 10 okay.

11 MALE: Yeah.

12 MR. GROSSICH: All right. So, uh, if -- if you  
 13 don't mind, I can start. Um, my name is Gary Grossich.

14 Um, I represent City of Colton as a planning  
 15 commissioner, but tonight I'm here representing the  
 16 community of Bloomington, the 25,000 residents of  
 17 Bloomington as a member of the Bloomington Municipal  
 18 Advisory Council.

PC2-5

19 I'm supported tonight by my colleagues, uh,  
 20 Betty Gossney [ph] and Jackie Cox [ph]. Uh, we are  
 21 here to voice our strong opposition to this project.

22 Um, it's going to bring nothing but negative  
 23 impacts to -- to Bloomington and we are literally a --  
 24 a community that is inundated with trucking operations  
 25 and quite frankly, they're not from Bloomington.

PC2-5  
cont.

1           Bloomington only has a handful of -- of  
 2           warehouses right now, yet, every day we're subjected  
 3           to the impact of -- of trucking, uh, from our  
 4           neighboring communities, uh, Fontana and Rialto, most  
 5           notably who have, uh, lots of projects on our  
 6           doorstep, but this particular, uh, project, you're  
 7           considering actually has more warehouses the entire  
 8           community of Bloomington currently has.

9           And we -- you're talking about bringing trucks  
 10          down residential neighbors in Bloomington, uh, past  
 11          two school sites in Bloomington. We can't take. We --  
 12          we are overloaded right now and once again, from, uh,  
 13          impacts from neighboring communities from legitimate  
 14          operations that are going through Bloomington.

15          Also, uh, we have the impact of -- uh, of over  
 16          130 illegal trucking operations in Bloomington and  
 17          those kind of break down into two categories.

PC2-6

18          Uh, the first category is, uh -- actually, and  
 19          several uses from, uh -- from our neighboring  
 20          communities where people are, uh, doing business  
 21          within, uh, our neighboring, uh, cities and they're  
 22          coming to, uh -- uh, to park their trucks on -- on  
 23          residential properties in Bloomington and I'm talk- --  
 24          and I'm not talking one or two; I'm talking about 10,  
 25          20 and 50 on -- in residential properties and next to

PC2-6  
cont.

1 our schools.  
 2 Also, we have illegal trucking operations, which  
 3 are actually legal businesses that, um, are operating  
 4 illegally. And right now this county -- our county has  
 5 -- does not have the resources.

PC2-7

6 We're under-resourced in our community to deal  
 7 with these impacts and -- and we've got to -- we've  
 8 got to draw the line here and this project is just --  
 9 is just a total overload and there is no -- no way --  
 10 there's no amount of mitigation that [inaudible].

11 MR. SANCHEZ: You have 30 seconds.

12 MR. GOSSICH: Thank you. There's no amount of  
 13 mitigation that -- that you guys can do or this  
 14 development can do to protect our community. There's  
 15 just -- so once again, we strongly object, the  
 16 county's objecting.

17 And, um, so we -- we would like to, uh, have  
 18 your consideration and -- and, uh, we want to be good  
 19 neighbors and we hope that we get the same respect  
 20 from you guys. Thank you.

21 MR. SANCHEZ: Thank you.

22 MS. CRUZ: Good evening, Commissioner and its  
 23 staff. My name is Anna Cruz. I have been a long-time  
 24 member of Riverside County for the past 45 years.

PC2-8

25 Um, I do live borderline of Bloomington and as

PC2-8  
cont.

1 the gentleman just said, the traffic and congestion,  
 2 as it is right now, where you get people commuting  
 3 from -- cutting from the 10 to the 60 or vice-versa,  
 4 at times it takes several times to just take Valley  
 5 Way or if you're trying to go down Bloomington, it's  
 6 congested.

PC2-9

7 The fact of bringing in, uh, warehouses would  
 8 only make it worse where you'll have, you know, the  
 9 diesels coming in, running all night. Our homes, with  
 10 my neighbors, it's just right along the side. We would  
 11 be hearing that all night long.

12 Um, we have a very nice, peaceful community,  
 13 family, uh, retirees. And I also don't think it's fair  
 14 that, uh, putting the traffic through Bloomington will  
 15 impact that small community.

PC2-10

16 Um, as far as access to the freeway, that's only  
 17 going to make it worse for if they plan on getting off  
 18 of the 60 Freeway and the 10.

19 You'd be getting traffic coming in through their  
 20 community of Bloomington and also, the commu- -- the  
 21 community that you guys, as a city, have brought up  
 22 off of Sierra with Stater Brothers and all of those --  
 23 B of A and all that, which looks very nice, but, you  
 24 know, we're not having to deal with the semitrucks at  
 25 this time.



PC2-11 | 1           Also, with the pollution, it's only going to  
2           make it worse for those that have, uh, tre- -- uh, you  
3           know, asthma and things of that sort, allergies.

4           It's just going to make it worse with all the  
5           diesels and all that going by. I'd like to recommend  
6           if you guys could look into perhaps building parks, a  
7           strip -- you know, some stores, even re- --  
8           residential.

9           I know that we're having, uh, some shortage of  
10          homes being built in perhaps that area. I think it'd  
11          be more beneficial. I know you guys have a lot of  
12          property in your north end of Fontana.

13          Perhaps that would be a better location to, uh,  
14          put this building or whatever companies you guys are  
15          looking at, because they would have easier access from  
16          the 10 Freeway. But I'd like for you guys to take this  
17          into consideration.

18          Think of the families that you guys would be  
19          impacting. I know we're not in your jurisdiction, we  
20          are Riverside County and I believe our county opposes  
21          as well. So please take that into consideration and  
22          thank you.

23          Oh, one more thing. I'd like to make sure that  
24          any information that's going to be going out that the  
25          residents of Riverside County that are adjacent to

PC2-15  
cont.

1 this borderline be informed. Thank you.  
 2 MR. SANCHEZ: Can you please state your name for  
 3 the record, ma'am?  
 4 MS. CRUZ: Anna M. Cruz.  
 5 MR. SANCHEZ: Thank you.  
 6 MS. CRUZ: Thank you.  
 7 MR. SANCHEZ: If you can please state --  
 8 whoever's in the comments speak -- please state your  
 9 name.  
 10 MR. REESE: Uh, my name is Thomas Reese. My name  
 11 is, uh, Thomas Reese. I'm a representative of the  
 12 Laborers Local Union 783. Uh, we represent  
 13 construction workers throughout San Bernardino  
 14 [inaudible] Counties.

PC2-16

15 Uh, we have several hundred members that live  
 16 here in Fontana and, uh, another several hundred that  
 17 live in the surrounding area. Um, we're here to be in  
 18 favor of, uh, the West Valley Logistics Center  
 19 Project.  
 20 Uh, this project will provide hundreds of  
 21 construction jobs for laborers and other tradesmen  
 22 alike, um, that live in this community.  
 23 Given the short notice, I wasn't able to have  
 24 all of them here today, but I made plans to have them  
 25 here in the future so, um -- so they can make

PC2-16  
cont.

1 statements for themselves about how jobs in the  
2 community actually benefit them and their lives.

3 Um, and not just jobs, but good paying union jobs  
4 that provide, uh, pension, healthcare and livable  
5 wages.

6 Um, they would also tell you that -- how preci-  
7 -- how precious it is to have a job close to home so  
8 they could spend more time with their family and  
9 actually contribute back to the -- the community, uh,  
10 than it is to be traveling on the freeway, uh, working  
11 far away from home.

PC2-17

12 Uh, what my experience with a lot of these  
13 warehouse projects has been is that it actually  
14 improves the area, especially the walkability by  
15 having the sidewalks and some of the sewer  
16 infrastructure. Right now in -- in that area, you  
17 don't have sidewalks for students to be walking  
18 around.

19 You -- you have -- you just have, um, pavement  
20 and grass; right? And so I think a lot of these  
21 projects actually help improve the area.

22 And so with that, I hope that you stand with the  
23 working families and push this project forward. Thank  
24 you.

25 MR. SANCHEZ: Thank you, Mr. Reese.

1 MR. ROCHO: Good evening, I'm Thomas Rocho [ph],  
2 uh, concerned neighbors of, uh, Bloomington.

PC2-18

3 And I want to stand side-by-side with my other  
4 people here from Bloomington and we are here to ask  
5 you to, uh, please -- of course, we're against this  
6 project, but we're -- we're asking you to consider  
7 reopening the comment period. Uh, since -- since this  
8 is, uh -- what do you call it?

9 It's, uh, recirculating draft EIR, it's been on  
10 since 2012. Uh, Mr., uh, Hernandez, you made a mistake  
11 when you said that, uh, you would've, uh, put all the  
12 comments in from day one.

PC2-19

13 Uh, remember last meeting you were here, you  
14 said you lost all those comments; remember that? So  
15 all the previous comments that were put in from the  
16 draft EIR you said you no longer had them, you lost  
17 them somewhere.

18 So how are you going to put those in this? So  
19 you're talking about cost and time involved about this  
20 project. This has been going on since 2012.

21 We're asking you about our lives and our -- and  
22 our communities, our health. Why can't you give us an  
23 extra 60 days to comment on this?

24 And labor, talk about work, work for a year.  
25 Most of them don't even live in our community. We're

1 talking about our lives, not just one year of work.

PC2-20

2 And you talk about -- Mr. Meyers, uh, you always  
3 said you want to be good neighbors, like we want to be  
4 good neighbors also, this project of this size will  
5 impact our quality of life and our health, I mean, and  
6 there's no mitigation about this.

7 And it will not affect the Fontana residents,  
8 because it's right in Bloomington and Jurupa Valley.

9 So, uh, like you said, uh, I think you guys were  
10 interested in it, because the draft was so thick that  
11 we need to go through that and take some more time  
12 with that.

PC2-21

13 And I was hoping that you guys would hope to  
14 open this period again and, you know, with 60 more  
15 days compared to 2012 when you first started this,  
16 because you did say that -- it's on record that you  
17 did lose all the comment letters previous to this.

18 Thank you.

19 MR. SANCHEZ: Thank you, Mr. Rocho.

20 MS. LEWIS: Okay. The next four people will line  
21 up in this order, Diana D'Anda [ph], Richard Alvarez  
22 [ph], Daniel Swanson [ph] and James Hos- -- Hosemanik  
23 [ph].

24 MR. SANCHEZ: Please state your full name, ma'am.

25 MS. D'ANDA: Uh, name's Diana D'Anda and I'm

1 actually here representing my family, because we  
2 inherited the property in Bloomington.

PC2-22

3 Um, I opposed it as to its environmental impact  
4 on our property and I continue to oppose -- I -- uh,  
5 well, I want to encourage you to reopen the period.

6 I know it's not, uh, a prec- -- you guys might  
7 be setting a precedent, but this is a huge project  
8 that is going to impact multiple jurisdictions and the  
9 one jurisdiction that is going to be really highly  
10 impacted is Bloomington.

PC2-23

11 It is a small community, but is residential  
12 right next to the project. And I understand that the  
13 project may pay its fair share into the county for the  
14 infrastructure, but the county does not have enough  
15 resources to actually build that infrastructure that's  
16 going to be required to facilitate this project.

17 The roads, there's no funding in the county for  
18 the roads that you guys have identified as the major  
19 circulation for this project.

PC2-24

20 So all the traffic is then going to be spilling  
21 onto the small community, either through Jurupa Valley  
22 or through the streets in Bloomington. So this project  
23 will highly impact those communities.

PC2-25

24 And, uh, again, I encourage you to be good  
25 neighbors and really encourage you to open the comment

PC2-25  
cont.

1 period, because that community is highly a Hispanic  
2 community and they weren't notified in their language.

3 They weren't notified in Spanish-speaking; you  
4 know? So they don't understand that they needed to  
5 come in and make their comments known.

6 So I encourage you to send out notices in Spanish  
7 and actually expand the area that the notices were  
8 sent out, because I don't think the neighborhoods  
9 actually fully got notified.

10 So they didn't have the opportunity to make  
11 their comments and their op- -- opposition known. So  
12 thank you very much.

13 MR. ALVAREZ: Good evening, my name is Richard  
14 Alvarez. I'm a resident in the area where this project  
15 is, uh, being considered.

PC2-26

16 And, uh, I'd like to say I think it is prudent  
17 to extend the time, the review period. I know that  
18 there's volumes of data on this, some of it's very  
19 technical, and there's a lot of conflicting  
20 information.

21 So it makes it hard to respond to all of it. It  
22 takes a lot of work, effort and time to organize our  
23 thoughts on this. So I think it would be prudent to  
24 extend the comment time. It is a large project in size  
25 and scope.

PC2-27

1           Also, I've noticed that there's several flaws  
 2 that have been reported in the original reports from  
 3 SQMD, the California Department of Transportation,  
 4 CARB, uh, San Bernardino County Department of  
 5 Transportation.

6           So there's a lot of data, a lot of technical  
 7 stuff that needs to be worked through. And certainly,  
 8 I'd like to see the revision after these flaws have  
 9 been addressed. So there's a lot here to absorb.

PC2-28

10           As far as the plan itself, it looks like it's  
 11 going to be a major impact to traffic. Additionally,  
 12 this area is surrounded by schools, residential areas  
 13 of extremely small streets. There's already traffic  
 14 congestion.

15           So it looks like it's going to be a big problem  
 16 for both safety and traffic. Bottom line, the project  
 17 doesn't look like a good fit for the neighborhood to  
 18 me. There are ultimate plans for development.

PC2-29

19           There's been talks of housing, uh, parts, a golf  
 20 course at one time. I think that's a more appropriate  
 21 fit for this type of environment. So I'd like to see  
 22 the comment period extended and I'd like to see  
 23 alternate, uh, development plans investigated. Thank  
 24 you.

25           MR. SANCHEZ: Thank you, Mr. Alvarez.



1 MR. SWANSON: Bear with me. Hi. I'm Daniel  
 2 Swanson. Uh, I'm a resident of, uh, Riverside right in  
 3 that same area where my neighbor who just talked.

PC2-30

4 I just, uh, oppose it too, because, uh, it's  
 5 just going to be a lot more traffic. See, you guys  
 6 have Sierra closed to trucks.

7 So now you've got a two-lane road that they've  
 8 got to go through right through our neighborhood  
 9 instead of the trucks going over Sierra as a four-lane  
 10 road, that that would take away a lot of the traffic.

PC2-31

11 So that's part of the problem is -- then the  
 12 pollution and all the stuff from the trucks and just  
 13 the noise and just the whole community.

PC2-32

14 You know, we're all -- nobody -- we weren't even  
 15 informed of this. This is the first I've heard of  
 16 this. That's another reason. You know, Riverside --  
 17 um, Jurupa Valley right there in the borderline of  
 18 where -- where this is being taken place.

PC2-33

19 So -- and a lot of things -- uh, you know, I  
 20 work in San Bernardino. I see all these -- these big  
 21 buildings going up. I see them emptied for two, three,  
 22 four years and never -- nobody using them anyway.

23 A lot of these corporate people, they'll build  
 24 them and then try to rent them out just so they can --  
 25 don't pay the government their fair tax. That's

PC2-33  
cont.

1 corporate deal; you know?  
 2 But that's what's probably going to happen with  
 3 this if you guys do pass this thing. There's probably  
 4 going to be another big old building just sitting  
 5 there deserted.

PC2-34

6 And like that guy said about jobs, yeah, it's  
 7 probably good for like one year and that's it, they're  
 8 gone. So a lot of that stuff's -- that's kind of --  
 9 you know, you've got to look at consideration for  
 10 that.

11 Yeah, it's good -- good for a job for one year  
 12 maybe and tha- -- if that and a very select few. Well,  
 13 big corporations have their people that build the  
 14 buildings. So it's stuff like that; you know?

PC2-35

15 So I just -- you need to open it to give more  
 16 time and let all our neighbors be able to come and  
 17 discuss this too and know exactly what kind of  
 18 building you guys are planning on trying to build here  
 19 and all the other kinds of stuff to go with it.

20 So I just would be opposed to it and would like  
 21 to have more info. on this before you guys decide yay  
 22 or nay. So just thank you for your time.

23 MR. SANCHEZ: Thank you, Mr. Swanson.

24 MR. HOSEMANIK: Hi. My name's James Hosemanik.  
 25 Uh, I'm a disabled veteran. I agree with everybody

1 that just, uh, state their opinions.

2 They all have good points. Why can't we build  
3 something that, um, the warehouse is just -- they're  
4 so huge.

PC2-36

5 Why can't we build smaller businesses, smaller  
6 units that we could have businesses come in that  
7 create more jobs, because warehouses, you only can  
8 staff so many people.

9 Um, you're building all these houses in the  
10 area, we need jobs and, uh, you know, kids' -- kids'  
11 jobs, just jobs for people. So let's create jobs. Um,  
12 a golf course sounds good, I just can't golf anymore.

13 Um, a water park, but that -- you know, just --  
14 let's do something else be- -- besides warehouses.  
15 It's a lot of dirt there.

PC2-37

16 So I get a lot of dirt when it's windy. Um, we  
17 had a problem with, I guess, a cement company that was  
18 blowing all kinds of, uh -- it was a big lawsuit or  
19 something, I don't remember, but, um, we're in a wind  
20 tunnel there, that's going to impact us and I'm right  
21 off -- right off that, uh -- that, uh property.

22 But back to building businesses, we -- we --  
23 when I go to get a pizza, I've got to drive over --  
24 it's har- -- uh, there -- there's just -- where we're  
25 at there -- we're in -- we're in a little hole in

1 Riverside and the traffic is really terrible.

PC2-38

2 Trying to get out off of Gillamon [ph] to  
3 Armstrong is a nightmare or get across, because we've  
4 got trucks coming and we've got cars and they're doing  
5 80 miles-an-hour from the 60. If I try to get to the  
6 60, it's a traffic jam.

7 So -- so we need lights, we need stoplights, we  
8 need a bunch of other stuff. But back to the

PC2-39

9 warehouses, warehouses -- you only can put so many  
10 people there. Let's create something a little smaller  
11 or let -- let's -- uh, somebody said a, uh -- um, a  
12 shopping center.

13 Shopping centers create jobs. Let's make some  
14 jobs, man. Let's do something coo- -- cool, make jobs.  
15 Let's -- we only can warehouse so much.

16 Let's send it to San Bernardino. We do the -- the  
17 -- we do the, uh -- or whatever they do over there.  
18 Let -- let -- let's -- you've already developed.

19 Really need up -- up that way -- up that way,  
20 which I used to see that one mansion up there that was  
21 up there and I'm thinking, who is stupid enough to buy  
22 all that rock -- dirty rocky stuff --

23 MR. SANCHEZ: You have 30 seconds.

PC2-39  
cont.

24 MR. HOSEMANIK: -- and there's great houses, but  
25 we don't have any real big shopping centers in this

PC2-39  
cont.

1 area. We lost Mervy- -- well, I don't even know what  
2 happened to Mervyn's. I guess Kaiser is -- is there  
3 now.

4 Let's -- let's make some businesses so somebody  
5 small like me can go and open up a pizza shop, I love  
6 pizza, uh, a little liquor store, that's not really  
7 that good, I guess.

8 Um, you know, let's create jobs, jobs to where  
9 you don't have to drive out of this area and go to  
10 Rancho Cucamonga or Riverside --

11 MR. SANCHEZ: Your time's up.

12 MR. HOSEMANIK: -- and I think you get the gist  
13 of it. Create some jobs, do something; okay? And thank  
14 you very much, you guys are great.

15 MR. SANCHEZ: Mr. Hosemanik, thank you for your  
16 service, sir, by the way.

17 MS. LEWIS: Thank you.

18 MR. HOSEMANIK: All right. I did it with honor.

19 MR. SANCHEZ: Thank you.

20 MS. LEWIS: I have two more cards. Um, the first  
21 one is Andrea. And Andrea, when you come to the  
22 podium, please print out of your last name for me. And  
23 then Mark, uh, Ostoich. And I may be pronouncing your  
24 name improperly also.

25 MR. SANCHEZ: Just for the record, what's your

1 last name? Sorry.

2 MS. VIDAURRE: Andrea Vidaurre.

3 MR. SANCHEZ: Vidaurre. Can you spell that?

4 MS. VIDAURRE: Perfect. V-i-d-a-u-r-r-e.

5 MR. SANCHEZ: And I don't know if you were here,

6 ma'am, but it's a three-minute, uh -- MS. VIDAURRE:

7 Sure thing, it's totally fine.

8 MR. SANCHEZ: Thank you.

PC2-40

9 MS. VIDAURRE: Okay. Hi, planning commission, hi,

10 planning department. Um, I am here on behalf of the

11 Center for Community Action and Environmental Justice

12 asking for an extension of the comment period for the

13 West Valley Logistics Project.

14 We believe that it's imperative and just that

15 the entire community that is susceptible to getting

16 impacted gets noticed in their primary language of

17 this possible project.

PC2-41

18 Given the immensity of the project and the

19 diesel-polluting freights it will inevitably attract

20 to and from this neighborhood, we also believe those

21 impacted by the truck route that cuts into many parts

22 of both Fontana and Bloomington backyards should get

23 notified.

PC2-42

24 I also noticed that this project and its truck

25 route are less than the recommended 1,000 feet from

PC2-42  
cont.

1 sensitive land use areas, such as schools where  
2 children play and learn.

3 Specifically, this project and truck route will  
4 leave Ruth Harris Middle, Walter Zimmerman Elementary  
5 and Crestmore Elementary children vulnerable to  
6 multiple health impacts.

7 These schools and their students' family should  
8 be notified of what's going to be happening right next  
9 door.

PC2-43

10 What is possible to come, especially given that  
11 this project is inconsistent with the surrounding land  
12 use and general plan. These families are not -- were  
13 not expecting this to happen in an overwhelmingly  
14 residential area.

15 The general plan said it was residential. This is  
16 why they moved in there. They moved closer to be to  
17 the staple and landmark hills and open space of the  
18 Jurupa Mountains. Please conserve those.

19 We thank you for the opportunity to submit  
20 comments and welcome sustained collaboration to the --  
21 with the City of Fontana to continue ensuring and  
22 promoting healthy communities and quality of life for  
23 the surrounding residents.

PC2-44

24 Thank you. I've also attached a packet with some  
25 of the -- our analysis of the CEQA process that we

PC2-44  
cont.

1 noticed were inconsistent. So I hope you look at  
2 those. Thank you.

3 MR. SANCHEZ: Thank you, Ms. Vidaurre.

4 MR. OSTOICH: Good evening, commissioners. My  
5 name is Mark Ostoich, O-s-t-o-i-c-h. My address is 550  
6 East Hospitality Lane, San Bernardino. I'm here on  
7 behalf of the applicant this evening.

8 Uh, I understand that the issue before you is  
9 whether the public comment period, which has closed,  
10 should be reopened. Um, I listened to, um, the staff  
11 planner this evening and I agree completely with him.

12 Um, this matter will not come back before you  
13 for substantive consideration for a considerable  
14 period of time. During that time, the team will be  
15 preparing responses to the many comments that have  
16 already been received.

PC2-45

17 Uh, under the law, comments from the public  
18 received up until the time the EIR is certified must  
19 be considered by the lead agency.

20 So there is an ample amount of time left for the  
21 public to comment on this project and, uh, I would,  
22 uh, like to respectfully ask you this evening not to  
23 reopen the public comment period.

24 I don't believe there's a procedure for  
25 reopening a comment period once it's been closed and



PC2-45  
cont.

1 I'd like to, uh, ask you not to do that.

2 And instead, allow us to move forward and get  
3 into the public process so that we can discuss the  
4 substantive issues associated with this project.

5 I sat here this evening and I heard a number of  
6 very legitimate concerns about the project. The sooner  
7 we get into the public process the sooner those  
8 substantive issues will be able to be addressed and,  
9 uh, we look forward to that.

10 We believe we have answers, uh, for those  
11 questions, but until we get into the process, we won't  
12 be able to bring that information forward in a  
13 meaningful way.

14 So, uh, thank you very much for letting me speak  
15 and, uh, again, my request would be that you not  
16 reopen the public comment period. Thank you very much.

17 MR. SANCHEZ: Thank you, Mr. Ostoich.

18 MR. OSTOICH: Thank you.

19 MS. LEWIS: I have no other cards at this time.

20 MR. SANCHEZ: Would anybody else like to speak on  
21 this item that has not filled out a card yet? Okay.  
22 Two more people. Please state your name, ma'am.

PC2-46

23 MS. MOCHA: Hi. I'm Kim Mocha [ph]. I'm a  
24 resident of Bloomington also. I'm a little confused  
25 tonight. Um -- uh, Orlando, um, you know, made that

PC2-46  
cont.

1 mistake about he had -- he had all the letters; he  
2 didn't.

PC2-47

3 Another thing. Didn't you guys say last meeting  
4 we were here that we had open public comment before  
5 and that's why you guys were asking to do it again?

6 And Mr. Orlando stated we had never done it  
7 again, unless I'm confused about that, because I -- I  
8 heard that -- you said that you had done that in the  
9 past and you wanted to do it again. I think the public  
10 comment period is very important, because they have to  
11 comment on it.

12 A letter of consideration is another thing. I can  
13 send in 500 letters of consideration, but they don't  
14 have to do it, but in the public comment period, they  
15 have to answer it.

PC2-48

16 So those are my concerns. I -- I'm -- I'm asking  
17 you please to open the public comment period for us,  
18 because a lot of us were not informed of this. Thank  
19 you.

20 MR. SANCHEZ: Thank you, Mrs. Mocho. Please --  
21 Mrs. Mocho, please --

22 MS. LEWIS: If you would fill out a card for me,  
23 please.

24 MS. ROCHO: Oh, sure.

25 MR. SANCHEZ: Will you please state your name,

1 sir?

PC2-49

2 MR. CRUZ: Yes. Hi. My name is James Cruz. Um,  
3 I'm actually a resident of, uh, Jurupa Valley, which,  
4 uh, just to make it clear to you guys, these are all  
5 my neighbors here and we were not notified.

6 None of us were notified. We were notified years  
7 ago and we thought that this went away.

8 Um, just to make it clear to you where we're at,  
9 if you're going down Jurupa in the last community on -  
10 - which would be, uh, where -- where Riverside County  
11 ends and Fontana, I guess, begins, that's where our  
12 area is.

13 We're one little circle, one little block there  
14 and we would like to be notified and alerted on  
15 everything that goes on in that area. This is very  
16 concerning to us and we were not notified of this.

17 I understand that the builder is here and of  
18 course, a builder always wants to, uh, move forward  
19 with items, but of course, the builder don't live  
20 there, we live there.

PC2-50

21 We've been there for many years, and we would  
22 like to continue to be there, and we're very concerned  
23 with what goes, and would definitely like to be  
24 notified, and would like this to, uh, be opened up  
25 with more public comment so the rest of our neighbors

PC2-50  
cont.

1 can come, and, uh, say what they have to say as well.  
2 That's all I have.

3 MR. SANCHEZ: Thank you, Mr. Cruz.

4 Okay. At this time, I will close the public  
5 comment.

6 MR. MEYER: Mr. Chair, if I just might, um -- uh,  
7 I heard a couple people talk about notification and  
8 without knowing whether they're within the city's, uh,  
9 range of how they notify people, because the city does  
10 send out the notifications to a wider area than the  
11 state law requires, anybody can give their information  
12 to Mr. Hernandez or one of the other staff and any  
13 future activity before this commission or before the  
14 council you'll be notified.

15 So it's just a matter of making sure that he has  
16 your contact information or one of his staff.

17 MR. SANCHEZ: Thank you. Okay. So at this -- at  
18 this poin- -- at this point, we're, uh -- we're done  
19 with the -- with the unfinished business and we're  
20 going to resume our -- our normal agenda item number  
21 C. Okay.

PC2-51

22 MR. MEYER: We have to take an action on this,  
23 Mr. Chair. And as one of the people who wanted to be  
24 sure that all the comments were considered, uh, I  
25 think staff has assured us they will be considered.

PC2-51  
cont.

1           Uh, so I'm okay with moving forward on staff  
2           recommendation noti- -- noting that, uh, people who  
3           wish to comment certainly have a good month or more to  
4           be able to put those comments in, uh, before the -- if  
5           not longer, but I would suggest get the comments in  
6           sooner than later.

7           And with that, I will move staff recommendation.

8           MR. SANCHEZ: So is that a motion?

9           MR. MEYER: Yes.

10          MR. SANCHEZ: Okay. So we have a motion on the  
11          floor to go with staff's recommendation.

12          MS. VASQUEZ: Can I have someone from IT on this  
13          one, please?

14          MR. SANCHEZ: Do I have a second on this motion?

15          MR. QUIROGA: I will second.

16          MR. SANCHEZ: Do we want to do a verbal?

17          MS. VASQUEZ: Verbal, please.

18          MR. SANCHEZ: Okay. So, uh, can I get a verbal,  
19          please? I got a first and I have a second. All in  
20          favor, say aye.

21          MR. MEYER: Aye.

22          MR. SANCHEZ: Aye. And motion passed.

23          MS. VASQUEZ: Do you want to announce the vote?

24          MR. SANCHEZ: The vote's four in favor, zero  
25          nays.

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I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 35 pages contain an edited, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

April 25, 2018  
Chris Naaden

X \_\_\_\_\_

(Fontana Planning Commission, 4-17-18, Unf. Business, Item A)

## **2.4.2 Responses to Comments Made at the April 17, 2018 Planning Commission Meeting**

### **Response to Comment PC2-1**

The Final EIR for the West Valley Logistics Center includes responses to all comments provided on the original Draft EIR (April 2014), 1<sup>st</sup> RDEIR (December 2014), and 2<sup>nd</sup> RDEIR (February 2018), as well as responses to comments made at the March 20, 2018 and April 17, 2018 Planning Commission meetings and comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project. Additional public comments will be accepted in writing by the City prior to and at public hearings to be held before the Planning Commission and City Council.

### **Response to Comment PC2-2**

See Response to Comment PC2-1.

### **Response to Comment PC2-3**

This comment requests information on the number of comments that were received by the City on the Draft EIR (April 2014), 1<sup>st</sup> RDEIR (December 2014), and 2<sup>nd</sup> RDEIR (April 2014). It does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of any of those documents. For information purposes, the City has received comments as follows:

- Draft EIR (April 2014): 8 comment letters with 165 comments.
- 1<sup>st</sup> RDEIR (December 2014): 9 comment letters with 148 comments.
- 2<sup>nd</sup> RDEIR (April 2014): 21 comment letters with 283 comments. In addition, all of the comment letter from the Draft EIR and 1<sup>st</sup> RDEIR were resubmitted as part of the 2<sup>nd</sup> RDEIR.
- March 20, 2018 Planning Commission meeting: 70 comments
- April 17, 2018 Planning Commission meeting: 51 comments

Add description of letters submitted after the close of the public comment period on the 2<sup>nd</sup> RDEIR and up to and including April 23, 2018.

### **Response to Comment PC2-4**

This comment reflects Planning Commission discuss as to whether their April 17, 2018 was a formal public hearing and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-5**

This comment reflects the opposition of the commenter to the project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-6**

This comment addresses truck parking on streets within Bloomington and illegal trucking operations within Bloomington, “which are actually legal businesses that, um, are operating illegally.” The comment does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-7**

This comment sets forth the commenter’s opinion that there is no amount of mitigation that would protect the Bloomington community and reiterates the commenter’s opposition to the project. The comment does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-8**

Truck traffic is analyzed in EIR Section 4.2.15.

### **Response to Comment PC2-9**

See Response to Comment PC1-1 for a discussion of truck routes. Truck traffic is analyzed in EIR Section 4.2.15.

### **Response to Comment PC2-10**

See Response to Comment PC1-1 for a discussion of truck routes. Truck traffic is analyzed in EIR Section 4.2.15.

### **Response to Comment PC2-11**

Air quality impacts are addressed in EIR Section 4.2.2. The EIR conducted an HRA and determined that health risk impacts would be less than significant. See Responses to Comments SCAQMD-1 through SCAQMD-19, CARB-1 through CARB-9, BC-3, BC-7, and SBC-34.

### **Response to Comment PC2-12**

This comment sets forth the commenters opinion regarding their preferred land uses for the project site and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-13**

This comment suggests that the project would be better located in the northern portion of the City. As part of preparation of the 2<sup>nd</sup> RDEIR, the City considered potential alternative locations and analyzed an alternative in the EIR that would locate the proposed project within the City’s Southwest Industrial Park (SWIP).



### **Response to Comment PC2-14**

This comment sets forth the commenters opinion regarding the project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-15**

The area for which public notices for West Valley Logistics Center meetings and availability of environmental documents has and will continue to comply with the requirements of State and local law. The City has included residents of the City of Fontana, City of Jurupa Valley, and unincorporated San Bernardino in its noticing for the project. The area for which public notices for West Valley Logistics Center meetings and availability of environmental documents has and will continue to comply with the requirements of State and local law. The City has included residents of the City of Fontana, City of Jurupa Valley, and unincorporated San Bernardino in its noticing for the project and the noticing area has been expanded to 1320 feet.

### **Response to Comment PC2-16**

This comment sets forth the commenter's opinion in favor of the project and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR.

### **Response to Comment PC2-17**

See Response to Comment PC2-16.

### **Response to Comment PC2-18**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project.

### **Response to Comment PC2-19**

The Final EIR for the West Valley Logistics Center includes responses to all comments provided on the original Draft EIR (April 2014), 1<sup>st</sup> RDEIR (December 2014), and 2<sup>nd</sup> RDEIR (February 2018), as well as responses to comments made at the March 20, 2018 and April 17, 2018 Planning Commission meetings. The comments Mr. Hernandez made during the March 20, 2018 Planning Commission meeting referred to requests for notices submitted during the initial EIR review in 2014 from people outside of the notification area. None of the comments received on the Draft EIR or the 1<sup>st</sup> RDEIR were lost.

### **Response to Comment PC2-20**

The comment incorrectly asserts that the EIR does not provide any mitigation. The EIR sets forth a total of 37 mitigation measures, 42 Specific Plan requirements, 30 regulatory requirements, and 15 standard requirements, all aimed at reducing impacts of the proposed project. Despite

implementation of these 124 measures, the EIR concluded that air quality, GHG emissions, noise, and traffic impacts would remain significant and unavoidable.

### **Response to Comment PC2-21**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project.

### **Response to Comment PC2-22**

The comment reflects the commenter's opposition to the project due to its environmental impacts. See Response to Comment PC2-21 regarding requests to extend the EIR's public review period.

### **Response to Comment PC2-23**

See Response to Comment PC1-33 for identification of roadway facilities that the project will either construct as part of the project or provide to the County 100 percent of the funding needed for construction.

### **Response to Comment PC2-24**

As shown in EIR Figures 4.2.15-8a and 4.2.15-8b, while all trucks will utilize San Bernardino County or City of Jurupa Valley roadways, approximately 52 percent of project-generated outbound trucks and 40 percent of inbound trucks will utilize Sierra Avenue in the City of Fontana. See Response to Comment PC1-17 for discussion regarding the feasibility of routing truck traffic to the Sierra Avenue interchange by extending Alder Avenue to Jurupa Avenue.

### **Response to Comment PC2-25**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project, although specific written responses to such comments will not be prepared. Public notices for the West Valley Logistics Center complied with the requirements of State and local law.

### **Response to Comment PC2-26**

See Response to Comment PC2-25.

### **Response to Comment PC2-27**

The SCAQMD, CARB, Caltrans, and San Bernardino County Public Works and Land Use Services Departments submitted comments on the 2<sup>nd</sup> RDEIR.

SCAQMD's comment letter on the 2<sup>nd</sup> RDEIR is presented in full in Section 2.3.17 of the Final EIR. See Responses to SCAQMD Comments SCAQMD-1 through SCAQMD-19 for specific responses regarding air quality and related health risk issues.

CARB's comment letter on the 2<sup>nd</sup> RDEIR is presented in full in Section 2.3.6 of the Final EIR. See Responses to SCAQMD Comments CARB-1 through CARB-9 for specific responses regarding air quality and related health risk issues.

Caltrans' comment letter on the 2<sup>nd</sup> RDEIR is presented in full in Section 2.3.1 of the Final EIR. See Responses to Comments DOT-1 through DOT-5 for specific responses regarding traffic issues raised by Caltrans.

The San Bernardino County Department of Public Works' comment letter is presented in full in Section 2.3.13 of the Final EIR (see Responses to Comments SBC-1 through SBC-36).

The San Bernardino County of Land Use Services Department's comment letter is presented in full in Section 2.3.14 of the Final EIR (see Responses to Comments SB-LU-1 through SB-LU-6).

### **Response to Comment PC2-28**

Traffic impacts are addressed in EIR Section 4.2.15. See Response to Comment PC1-33 for discussion of the roadway improvements that the applicant proposes to undertake.

### **Response to Comment PC2-29**

This comment reflects the commenter's opinion regarding their preferred use for the site and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR. The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018.

### **Response to Comment PC2-30**

The proposed project will be responsible for improving Locust Avenue to provide four lanes of traffic, as well as install traffic signals. See Response to Comment PC1-17 for discussion of the feasibility of extending Alder Avenue through the project site to Jurupa Avenue in order to provide the ability for routing truck traffic along Jurupa Avenue west to Sierra Avenue.

### **Response to Comment PC2-31**

Air quality impacts are addressed in EIR Section 4.2.2. Noise impacts are addressed in EIR Section 4.2.11.

### **Response to Comment PC2-32**

Public notices for West Valley Logistics Center meetings and availability of environmental documents have complied with the requirements of State and local law.

### Response to Comment PC2-33

The comment provides anecdotal evidence that there are t vacant industrial buildings in an unknown location to support the conclusion that warehouse buildings within the project site would lie vacant. The comment fails to provide any substantial evidence to support its conclusion.

### Response to Comment PC2-34

This comment does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR, nor is any evidence provided as to why employment at the warehouses proposed for the project site would be temporary.

### Response to Comment PC2-35

This comment expresses the commenter's opinion regarding the proposed project. Although the Planning Commission voted at its April 17, 2018 meeting not to reopen the public review period, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project. Additional public comments will be accepted in writing prior to and at public hearings to be held before the Planning Commission and City Council.

### Response to Comment PC2-36

See Responses to Comment PC1-11 for discussion of the Multi-Tenant Business Park and Reduced Intensity Multi-Tenant Business Park alternatives. As discussed in that response, both of these alternatives would reduce truck traffic, but substantially increase the total amount of traffic generated at the site. The City of Fontana retains the discretion to not approve the proposed project, leaving the approved Valley Trails Specific Plan in place, or to approve the proposed project or any of the alternatives addressed in the EIR.

### Response to Comment PC2-37

The 2<sup>nd</sup> RDEIR sets forth the following measures to address dust during construction:

#### Mitigation Measures

**AQ-1: Incorporate Dust Suppression Measures.** The Construction Contractor will ensure that the following dust suppression measures in the SCAQMD CEQA Air Quality Handbook are implemented to reduce the project's emissions:

- Revegetate disturbed areas.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.
- Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- Install "shaker plates" prior to construction activity where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment prior to leaving the site.
- Pave, water, or chemically stabilize all on-site roads.

- Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations.

**MM AQ-9: Timing of Construction Activities.** Construction activity associated with off-site utility and infrastructure improvements shall not occur concurrently with site preparation, grading, building construction, architectural coating, or paving phases of activity

### **Regulatory Requirements**

**RR-AQ-1:** Comply with South Coast Air Quality Management District Rule 401 – Visible Emissions

**RR-AQ-2:** Comply with South Coast Air Quality Management District Rule 402 – Nuisance

**RR-AQ-3:** Comply with South Coast Air Quality Management District Rule 403 – Fugitive Dust

### **Response to Comment PC2-38**

See Response to Comment PC1-33 for discussion of roadway improvements, including traffic signals, that will be provided by the project.

### **Response to Comment PC2-39**

This comment represents the commenter’s opinion regarding their preferred land use for the site and does not raise any substantive issues regarding the information, analysis, mitigation measures, or conclusions of the EIR

### **Response to Comment PC2-40**

This comment requests that notice be given to the “entire community” in their “primary language.” Public notices for the West Valley Logistics Center have and will continue to comply with the requirements of State local law. Future public notices for the West Valley Logistics Center will be provided in both Spanish and English and will continue to comply with the requirements of State local law.

### **Response to Comment PC2-41**

See response to Comment PC2-40.

### **Response to Comment PC2-42**

See response to Comment PC2-40 in relation to project notices. As discussed in Comment BC-3, the SCAQMD’s recommended buffer of 300 meters (approximately 1,000 feet) is presumed to be based on the CARB Land Use Handbook which recommends a buffer distance of at least 1,000 feet between land uses that will generate/attract 100 or more trucks per day. However, CARB’s guidance acknowledges that the 1,000-foot buffer distance is an advisory, only, and that projects should determine the *actual* risk near a particular facility.

The 2<sup>nd</sup> RDEIR includes a site-specific HRA based on the geospatial location of the proposed project, existing sensitive land uses in the vicinity of the project site, and the truck travel routes that are expected to be utilized. As disclosed in the 2<sup>nd</sup> RDEIR, the project would not pose a significant health risk associated with DPM to sensitive receptors in the project vicinity.

The project's HRA has been recalculated for the Final EIR based on the 2015 OEHHA guidelines, as recommended, which account for age-weighted factors for early life exposures. The updated HRA also concludes that no significant health risks will result from the proposed project.

### **Response to Comment PC2-43**

The 2<sup>nd</sup> RDEIR clearly acknowledges the existing residential neighborhoods in the vicinity of the project site, as well the site's current residential General Plan and zoning designations. The purpose of the proposed General Plan amendment is to bring the specific plan into conformance with the City's General Plan. The West Valley Specific Plan would be consistent with the General Plan *as it is proposed to be amended*.

### **Response to Comment PC2-44**

See Response to Comments CCAEJ-1 through CCAEJ-18.

### **Response to Comment PC2-45**

This comment addresses the purpose of the Planning Commission's April 17, 2018 meeting – to consider whether to reopen the EIR public review period. As noted in this comment, responses have been prepared for all comments received on the Draft EIR, 1<sup>st</sup> RDEIR, and 2<sup>nd</sup> RDEIR. Additional opportunities for public comment on the project and its EIR will be provided at public hearings before the Planning Commission and City Council.

### **Response to Comment PC2-46**

See Response to Comment PC2-19.

### **Response to Comment PC2-47**

This comment addresses requests to reopen the EIR public review period. While cities, including Fontana, can and have extended EIR public comment periods, the statement was also made that Fontana had never reopened an EIR public review period that had officially closed.

### **Response to Comment PC2-48**

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project, although specific written responses to such comments will not be prepared.

### **Response to Comment PC2-49**

Public notices for the West Valley Logistics Center project comply with the requirements of State and local law.

### **Response to Comment PC2-50**

See Response to Comments PC2-48 and PC2-49.

## Response to Comment PC2-51

The Planning Commission considered extending the EIR public review period and voted at its April 17, 2018 meeting not to reopen the public review period. The close of the public review period was therefore March 26, 2018. However, this Final EIR responds to all comments received by the City on the Final EIR through April 23, 2018. Comments on the 2<sup>nd</sup> RDEIR received after that date will be included as part of the public record for the project, although specific written responses to such comments will not be prepared.

## 2.5 Responses to Comments Received on the Draft EIR

This Section of the Final EIR includes each of the comment letters received by the City of Fontana during the public review period for the Draft EIR (April 2014 - June 2014). As such the comments in this section were prepared several years before preparation and public review of the 2<sup>nd</sup> RDEIR, and do not, therefore, directly address any of the information, analyses, mitigation measures, or conclusions of that document.

CEQA Guidelines Section 15088.5(f) provides that “[i]n no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.” Accordingly, as for all comments received on the 2<sup>nd</sup> RDEIR (February 2018), the Final EIR documents how the City has responded to all pertinent comments on significant environmental issues raised during public review of the 1<sup>st</sup> RDEIR (December 2014), along with how the 2<sup>nd</sup> RDEIR was drafted in a manner to address comments raised by prior comment letters.

A total of eight comment letters or emails, providing comments on the Draft EIR were received by the City, with six letters from federal, state, regional, or local agencies, and two from private individuals. Responses to the comments in each of these letters are provided in this section of the Final EIR. The comments in each comment letter received are numbered and within the comment letters identified below in Table 2-2.

**Table 2-2. Comment Letters Received During Public Review of the Draft EIR**

Comment Letter	Commenter	Date	Number of Comments
1	Lozeau Drury LLP	May 8, 2014	1
2	Native American Heritage Commission	May 9, 2014	1
3	San Bernardino County Department of Public Works	May 22, 2014	9
4	Southern California Association of Governments	June 2, 2014	13
5	Lozeau Drury LLP	June 5, 2014	53
6	City of Jurupa Valley	June 4, 2014	63
7	California Department of Fish and Wildlife	June 5, 2015	12
8	Governor’s Office of Planning and Research	June 6, 2014	4
9	Southern California Edison	June 12, 2014	2



Letter #1



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F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
christina@lozeaudrury.com

*Via Email and U.S. Mail*

May 8, 2014

Ms. Tonia Lewis  
City Clerk  
City of Fontana  
8353 Sierra Ave.  
Fontana, CA 92335  
[tlewis@fontana.org](mailto:tlewis@fontana.org)

Ms. Cecilia Lopez-Henderson  
Deputy City Clerk  
City of Fontana  
8353 Sierra Ave.  
Fontana, CA 92335  
[clerks@fontana.org](mailto:clerks@fontana.org)

Mr. Orlando Hernandez, Senior Planner  
Fontana Community Development Dept.  
8353 Sierra Avenue  
Fontana, CA 92335  
[ohernand@fontana.org](mailto:ohernand@fontana.org)

Mr. James R. Troyer, Director  
Fontana Community Development Dept.  
8353 Sierra Avenue  
Fontana, CA 92335  
[dwilliams@fontana.org](mailto:dwilliams@fontana.org)

Mr. Ken Hunt  
City Manager  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335  
[khunt@fontana.org](mailto:khunt@fontana.org)

Re: **CEQA and Land Use Notice Request for the West Valley Logistics Center Specific Plan (SCH # 2012071058)**

Dear All:

I am writing on behalf of the Laborers International Union of North America, Local Union 783 and its members living in San Bernardino County ("LiUNA") regarding the West Valley Logistics Center Specific Plan (SCH # 2012071058), including all actions referring or related to a Specific Plan allowing for industrial, business park, and open space uses on approximately 291 acres in the southeastern portion of the City of Fontana, south of the Southern California Edison utility corridor and Jurupa Avenue, east of the Jurupa Hills, north of residential properties located in the City of Jurupa Valley, and west of residential uses located in the San Bernardino County area of Bloomington ("Project").

We hereby request that the City of Fontana ("City") send by mail and electronic mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

1-1

May 8, 2014  
 CEQA and Land Use Notice Request for West Valley Logistics Center Specific Plan  
 Page 2 of 2

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
  - Notice of any Final EIR prepared pursuant to CEQA.

1-1  
 cont.

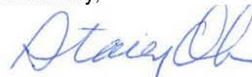
Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by mail and electronic mail to:

Richard Drury  
 Christina Caro  
 Stacey Osborne  
 Lozeau Drury LLP  
 410 12<sup>th</sup> Street, Suite 250  
 Oakland, CA 94607  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com); [christina@lozeaudrury.com](mailto:christina@lozeaudrury.com); [stacey@lozeaudrury.com](mailto:stacey@lozeaudrury.com)

Please call should you have any questions. Thank you for your attention to this matter.

Sincerely,



Stacey Osborne  
 Paralegal  
 Lozeau | Drury LLP

## **2.5.1 Lozeau Drury**

### **Response to Comment 1-1**

The commenter, on behalf of its client, has received all requested notices.

Letter #2

STATE OF CALIFORNIA

Edmond G. Brown, Jr., Governor

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West SACRAMENTO, CA 95691  
(916) 373-3710  
Fax (916) 373-5471



May 9, 2014

Orlando Hernandez  
City of Fontana, Planning Division  
8353 Sierra Avenue  
Fontana, CA

11/14/14  
02/10/14  
E

RECEIVED  
MAY 14 2014  
STATE CLEARING HOUSE

RE: SCH# 2012071058 West Valley Logistics Center (WVLC), San Bernardino County.

Dear Mr. Hernandez:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064.5(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **SFL Check Completed with Negative Results**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

2-1

Sincerely,

*Katy Sanchez*

Katy Sanchez  
Associate Government Program Analyst

**Native American Contact List**  
San Bernardino County  
May 9, 2014

San Manuel Band of Mission Indians  
Hon. Lynn Valbuena, Chairwoman  
26569 Community Center Drive Serrano  
Highland, CA 92346  
(909) 864-8933  
(909) 864-3724 - FAX  
(909) 864-3370 Fax

Serrano Nation of Mission Indians  
Goldie Walker, Chairwoman  
P.O. Box 343 Serrano  
Patton, CA 92369  
  
(909) 528-9027 or  
(909) 528-9032

San Fernando Band of Mission Indians  
John Valenzuela, Chairperson  
P.O. Box 221838 Fernandeno  
Newhall, CA 91322 Tataviam  
tsen2u@hotmail.com Serrano  
(661) 753-9833 Office Vanyume  
(760) 885-0955 Cell Kitanemuk  
(760) 849-2103 Home  
(760) 949-1604 Fax

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9570 Mias Canyon Road Serrano  
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**siva@dishmail.net**  
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William Madrigal, Jr., Cultural Resources Manager  
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Banning, CA 92220 Serrano  
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(951) 755-5200  
(951) 922-8146 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012071058 West Valley Logistics Center (WVLC), San Bernardino County.

## 2.5.2 Native American Heritage Commission

### Response to Comment 2-1

The comment requests that an analysis of impacts on cultural resources be undertaken including a records search, inventory survey, and consultation with the Commission. The comment makes no reference to the cultural resources analysis set forth in the Draft EIR and does not therefore raise any substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR. The Native American Heritage Commission reviewed the 2<sup>nd</sup> RDEIR and found its cultural resources section to be substantially in compliance with CEQA with a minor revision requested regarding timing of access for the most likely descendent to the site (see Response to Comment NAHC-1).

**DEPARTMENT OF PUBLIC WORKS**  
 FLOOD CONTROL • ENVIRONMENTAL & CONSTRUCTION • OPERATIONS  
 SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION

Letter #3

COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104  
 Fax (909) 387-8130



GERRY NEWCOMBE  
 Director of Public Works

May 22, 2014

File: 10(ENV)-4.01

Orlando Hernandez, Senior Planner  
 City of Fontana  
 8353 Sierra Avenue  
 Fontana, CA. 92335

**RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WEST VALLEY LOGISTICS CENTER IN THE CITY OF FONTANA, SAN BERNARDINO COUNTY**

Mr. Hernandez:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on April 24, 2014**, and pursuant to our review, the following comments are provided:

**Traffic Division (Mohammad Qureshi, PhD, Chief, 909-387-8187):**

- 1) The mitigation measures related to Traffic as shown on pages ES-54 to ES-57 are misleading because they ignore impacts outside the City of Fontana (City). Furthermore, there is no mention of which scenario from the traffic study was used to determine the list of impacted intersections. A close examination of 4.12.14-2B reveals that all trucks will be routed using the No Sierra Avenue Access scenario, yet the DEIR does not explicitly mention this fact.
  - a) The County objects to the use of a No Sierra Avenue Access scenario, since this directs all truck traffic onto County roads and avoids City roads.
  - b) The County disagrees with the conclusions of the traffic study that significant cumulative impacts are mitigated by existing fee programs.
- 2) On page 4-2.14.16 of the Draft EIR, it states the applicant “will prepare a truck route management plan as a part of the TMA for review by the City of Fontana.” The County requests that the TMA be submitted for review and approval by the County of San Bernardino, in addition to the City. The County again states that any scenario in which all trucks are routed to County Roads is unacceptable.
- 3) Mitigation Measures TRA-1b, TRA-1c and TRA 1d are only targeted to the City. They should be modified to include the other jurisdictions impacted by this project. In particular, TRA-1b should include a requirement for the applicant to construct improvements to mitigate for all intersections that are directly impacted by the project, such as the intersections of Locust Avenue at Santa Ana Avenue and Locust Avenue at Slover Avenue.

GREGORY C. DEVEREAUX  
 Chief Executive Officer

Board of Supervisors  
 ROBERT A. LOVINGOOD ..... First District      JAMES RAMOS ..... Third District  
 JANICE RUTHERFORD ..... Second District      GARY C. O'VITT ..... Fourth District  
 JOSIE GONZALES ..... Fifth District

O. Hernandez – City of Fontana  
West Valley Logistics Center DEIR  
May 22, 2014  
Page 2 of 2

- 4) The County disagrees that payment of fees to the City in TRA-1d represents the project's fair share contributions. This ignores impacts to other jurisdictions. The condition must be changed to include all affected jurisdictions. | 3-7
- 5) There should be an additional mitigation measure to construct mitigations for direct impacts under the opening year plus project scenario as mentioned in the supporting Traffic Study. The condition should apply to all impacted intersections including those outside the City's jurisdiction. | 3-8
- 6) The County objects to the statement that payment of fees to the City is mitigation for impacts to County intersections as stated in Table 4.2.14-12. | 3-9

Should you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



**SUNDARAMOORTHY SRIRAJAN, P.E.**  
Public Works Engineer III  
Environmental Management

SS:PE:nh/CEQAComments\_Fontana\_DEIR\_WstVlyLogCtr



## 2.5.3 San Bernardino County Department of Public Works

**Note:** The San Bernardino County Department of Public Works also provided comments on the current, 2<sup>nd</sup> RDEIR. Please refer to Responses to Comments SBC-1 through SBC-36 for the County Department of Public Works' comments on the 2<sup>nd</sup> RDEIR that is being currently being considered by the Lead Agency, along with the Lead Agency's responses to those comments.

### Response to Comment 3-1

This comment refers to mitigation measures included in the Draft EIR that were revised for the 1<sup>st</sup> RDEIR and again for the 2<sup>nd</sup> RDEIR. The County Department of Public Works was provided with copies of the 1<sup>st</sup> RDEIR and the 2<sup>nd</sup> RDEIR for the Department's review at the beginning of each document's public review period. See Responses to Comments SBC-1 through SBC-36 for the Department's comments and the City of Fontana's response to comments on the current, 2<sup>nd</sup> RDEIR.

### Response to Comment 3-2

Both the Draft EIR and 1<sup>st</sup> RDEIR proposed not routing traffic to the Sierra Avenue interchange with the I-10 freeway in the City of Fontana. The 2<sup>nd</sup> RDEIR proposes a routing plan that includes trucks accessing the I-10 freeway at Sierra Avenue in the City of Fontana.

### Response to Comment 3-3

See Responses to Comments 3-1 and 3-2.

### Response to Comment 3-4

As shown in Figures 4.2.15-8a and 4.2.15-8b of the 2<sup>nd</sup> RDEIR, while all trucks will utilize roadways within San Bernardino County or City of Jurupa Valley for some portion of their route, approximately 52 percent of project-generated outbound trucks and 40 percent of inbound trucks will utilize Sierra Avenue in the City of Fontana.

The EIR has never asserted that fee programs mitigate all project impacts. The EIR does, however, state that payment of fees required by the San Bernardino County Regional Transportation Development Mitigation Program (commonly referred to as the "Nexus Program" or "San Bernardino County Nexus Program") provides mitigation for a project's impacts to the overall roadway system for which the program was established, regardless of jurisdictional boundaries. In addition to payment of required San Bernardino County Regional Transportation Development Mitigation Program fees, the project will provide the following improvements:

- Widen Locust Avenue between Jurupa Avenue and Slover Avenue to provide four travel lanes with a pavement section adequate to support proposed truck traffic. As stated in the WVLCSP, Locust Avenue would be initially improved with one travel lane in each direction, with widening to two lanes in each direction undertaken at such time as traffic warrants.
  - *Locust Avenue/Slover Avenue* intersection: provide northbound left-turn lane, westbound left-turn lane, and northbound right-turn lane.
- Provide full half-width roadway improvements along the south side of Jurupa Avenue from Locust Avenue to Kessler Park, where full half-width improvements along the south side of Jurupa Avenue are currently in place.

- Widen the westbound approach of Jurupa Avenue to Locust Avenue to accommodate a westbound left-turn pocket.
- Provide traffic signals at the following intersections:
  - Locust Avenue/Jurupa Avenue (construct)
  - Locust Avenue/11<sup>th</sup> Street (construct)
  - Locust Avenue/7<sup>th</sup> Street (construct)
  - Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the San Bernardino County Regional Transportation Development Mitigation Program)
  - Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County)

As stated in the WVLCSP, the proposed project will also provide geometric improvements along the project's primary truck routes to the I-10 and SR-60 freeways to provide adequate site distance and room for turning movements.

### **Response to Comment 3-5**

A detailed description of the transportation facilities proposed by the WVLCSP and the project's truck routing plan are set forth in Section 3, *Project Description*, of the 2<sup>nd</sup> RDEIR. All physical improvements to be provided within unincorporated San Bernardino County will be subject to the County's approval. However, while the City of Fontana will consult and coordinate with the County of San Bernardino on all aspects of project-related truck routing and roadway mitigation requirements, including the opportunity to review and comment on the project's CC&Rs, the City will not provide the County with "veto" authority over the project by extending a requirement for the project's truck routing plan or CC&Rs to be approved by the County.

### **Response to Comment 3-6**

This comment refers to mitigation measures included in the Draft EIR that were revised for the 1<sup>st</sup> RDEIR and again for the 2<sup>nd</sup> RDEIR. The County Department of Public Works was provided with copies of the 1<sup>st</sup> RDEIR and the 2<sup>nd</sup> RDEIR for the Department's review at the beginning of each document's public review period. See Responses to Comments SBC-1 through SBC-36 for the Department's comments and the City of Fontana's response to comments on the current, 2<sup>nd</sup> RDEIR.

### **Response to Comment 3-7**

This comment refers to mitigation measures included in the Draft EIR that were revised for the 1<sup>st</sup> RDEIR and again for the 2<sup>nd</sup> RDEIR. The County Department of Public Works was provided with copies of the 1<sup>st</sup> RDEIR and the 2<sup>nd</sup> RDEIR for the Department's review at the beginning of each document's public review period. See Responses to Comments SBC-1 through SBC-36 for the Department's comments and the City of Fontana's response to comments on the current, 2<sup>nd</sup> RDEIR.

### **Response to Comment 3-8**

See Response to Draft EIR Comment 3-4.

## **Response to Comment 3-9**

See Response to Draft EIR Comment 3-4.

Letter #4



June 2, 2014

Mr. Orlando Hernandez, Senior Planner  
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 www.scag.ca.gov

**RE: SCAG Comments on the Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan [SCAG NO. IGR7475]**

Dear Mr. Hernandez:

Thank you for submitting the Draft Environmental Impact Report ("EIR") for the West Valley Logistics Center Specific Plan ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG staff has reviewed the Draft EIR for the proposed project. The proposed project would serve as the guiding document to allow up to 3,473,000 square feet of business park development involving warehousing and office uses on an approximately 291-acre site with industrial park development, public facility, and open space land uses in the City of Fontana, County of San Bernardino, California.

**Officers**  
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 Carl Morehouse, San Buenaventura  
 First Vice President  
 Cheryl Wiegas-Walker, El Centro  
 Second Vice President  
 Michele Martinez, Santa Ana  
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 Greg Pettis, Cathedral City

Based on SCAG staff's review, the proposed project supports overall the goals of the 2012 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS). SCAG staff comments are detailed in the attachment to this letter. 4-1

**Executive/Administration Committee Chair**  
 Carl Morehouse, San Buenaventura  
**Policy Committee Chairs**  
 Community, Economic and Human Development  
 Margaret Finlay, Duarte  
 Energy & Environment  
 Deborah Robertson, Rialto  
 Transportation  
 Alan Wapner, San Bernardino Associated Governments

When available, please send a copy of the Final Environmental Impact Report to the attention of Lijin Sun at SCAG, 818 West 7<sup>th</sup> Street, 12<sup>th</sup> floor, Los Angeles, California, 90017 or by email to sunl@scag.ca.gov. If you have any questions regarding the attached comments, please contact Lijin Sun at (213) 236-1882 or sunl@scag.ca.gov. Thank you. 4-2

Sincerely,

Jonathan Nadler,  
 Manager, Compliance and Performance Assessment

The Regional Council consists of 86 elected officials representing 191 cities, six counties, six County Transportation Commissions, one representative from the Transportation Corridor Agencies, one Tribal Government representative and one representative for the Air Districts within Southern California.

2014.05.05 printed on recycled paper

June 2, 2014  
Mr. Hernandez

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Page 2

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR  
THE WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN  
[SCAG NO. IGR7475]**

**SUMMARY**

SCAG is the designated Regional Transportation Planning Agency under state law responsible for preparation of the Regional Transportation Plan (RTP) including its Sustainable Communities Strategy (SCS) component pursuant to Senate Bill (SB) 375<sup>1</sup>. As the clearinghouse for regionally significant projects pursuant to Presidential Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of the regional goals and policies in the adopted 2012 RTP/SCS.

4-3

Based on SCAG staff review, the proposed project generally supports the applicable goals of the 2012 RTP/SCS, and the analysis in the DEIR is based on the growth forecasts adopted as part of the 2012 RTP/SCS.

**2012 RTP/SCS GOALS**

The SCAG Regional Council adopted the 2012 RTP/SCS in April 2012. The 2012 RTP/SCS links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations (see <http://rtpscs.scaq.ca.gov>). The goals included in the 2012 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2012 RTP/SCS are the following:

<b>2012 RTP/SCS GOALS</b>	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and non-motorized transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies</i>

4-4

<sup>1</sup> SB 375 amends CEQA to add Chapter 4.2 Implementation of the Sustainable Communities Strategy, which allows for certain CEQA streamlining for projects consistent with the RTP/SCS. Lead agencies (including local jurisdictions) maintain the discretion and will be solely responsible for determining "consistency" of any future project with the SCS. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a finding of consistency under SB 375 for purposes of CEQA streamlining.

June 2, 2014  
Mr. Hernandez

SCAG No. IGR7475  
Page 3

**SCAG Staff Comments**

*The SCAG Regional Comprehensive Plan (RCP), cited in the Draft EIR (4.2.2-19, 4.2.9-4, 4.2.9-32, 4.2.9-33, 4.2.13-5, and 4.2.14-11), is not SCAG's most up-to-date policy document. While information in the RCP may be relevant, SCAG staff recommends considering the most recent 2012 RTP/SCS goals and policies in the Final EIR.* | 4-5

*The proposed project will help facilitate economic development and competitiveness in the region by creating local employment and economic development opportunities for the City of Fontana and surrounding communities that help maintain a balanced community (ES-2). Trip distribution patterns of the proposed project have been developed based on the location of the project site's proximity to the regional highway and freeway system to maximize the mobility and accessibility of all people and goods in the region, while also supporting a sustainable regional transportation system (4.2.14-17, Figure 4.2.14-2A, and Figure 4.2.14-2B).* | 4-6

- Important measures incorporated into the proposed project and supported by SCAG staff include:* | 4-7
- Incorporate dust suppression measures.
  - Develop and implement a Construction Management Plan.
  - During construction, use Tier 3 construction equipment, electricity rather than internal combustion engines, alternative fuel technology, and low or no VOC- paints and coating.
  - During operation, turn off engines of all diesel trucks when idling in excess of five minutes.
  - Incorporate more energy-efficient measures related to construction and building materials (e.g., use green building materials for at least 10% of the project, installation of energy efficient heating and cooling systems, and installation of solar-ready roofs on the buildings).
  - Require adherence to the nonresidential mandatory measures as required by the California Green Building Code, including measures to increase water use efficiency and solid waste diversion, composting, and recycling.
  - Exceed Title 24 requirements by least 5% standards.
  - Construct transportation improvements to mitigate all direct impacts prior to the issuance of occupancy permits.

- Important transportation and motor vehicle measures incorporated into the proposed project and supported by SCAG staff include:* | 4-8
- Limit idling time of construction and commercial delivery vehicles to no more than five minutes during construction and operation.
  - Promote ride sharing programs by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
  - Create neighborhood electric vehicle (NEV) systems or networks.
  - Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.
  - Promote least polluting ways to connect people and goods to their destination points.
  - Incorporate bicycle lanes and routes into street systems and large developments, and incorporate bicycle-friendly intersections into street design.
  - Provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience to encourage bicycle commuting.
  - Create bicycle lanes and walking paths directed to locations of nearby schools, parks, and other destination points.

*SCAG promotes the development of advanced clean fuel infrastructure and use of clean vehicle technology, especially for heavy duty trucks, where feasible and applicable.* | 4-9

*The proposed project sits in proximity to the east-west corridor, including SR-60. To accommodate business growth and associated goods movement logistics, SCAG has included a clean technology freight corridor -* | 4-10

June 2, 2014  
Mr. Hernandez

SCAG No. IGR7475  
Page 4

including along the SR-60 - in its 2012 RTP/SCS. The 2012 RTP/SCS also identifies a program of focused investments to relieve the most severe truck bottlenecks throughout the SCAG region. For further information on SCAG's long-range comprehensive plan for the goods movement system in Southern California, please see "On the Move, Southern California Delivers the Goods" ([http://www.freightworks.org/DocumentLibrary/CRGMPIS\\_Summary\\_Report\\_Final.pdf](http://www.freightworks.org/DocumentLibrary/CRGMPIS_Summary_Report_Final.pdf)).

4-10  
cont.

**2012 RTP/SCS REGIONAL GROWTH FORECASTS**

The most recently adopted SCAG forecasts are the 2012 RTP/SCS population, household and employment forecasts (adopted by the SCAG regional Council in April 2012). The forecasts for the region and jurisdiction are below.

Adopted SCAG Region Wide Forecasts			Adopted City of Fontana Forecasts		
	Year 2020	Year 2035		Year 2020	Year 2035
Population	19,663,000	22,091,000	Population	222,700	259,100
Households	6,458,000	7,325,000	Households	57,500	66,700
Employment	8,414,000	9,441,000	Employment	53,700	69,000

4-11

**SCAG Staff Comments**

Page 4.2.11-2 indicates that the Draft EIR population, housing, and employment trends and forecasts were based on the adopted SCAG 2012RTP/SCS Regional Growth Forecasts.

4-12

**MITIGATION**

**SCAG Staff Comments**

The Draft EIR includes appropriate mitigation measures, a couple of which are highlighted above. SCAG staff recommends review of the SCAG 2012RTP/SCS Final Program EIR List of Mitigation Measures Appendix for additional guidance, as appropriate ([http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR\\_AppendixG\\_ExampleMeasures.pdf](http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_ExampleMeasures.pdf)).

4-13

## 2.5.4 Southern California Association of Governments

### Response to Comment 4-1

This letter provides comments on the original Draft EIR, which was subsequently revised in the 1<sup>st</sup> RDEIR and again in the 2<sup>nd</sup> RDEIR. While this comment states that the project supports the goals of the 2012 RTP, because both the RTP and the EIR have been subsequent revised and updated, this comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-2

SCAG was provided with copies of the 1<sup>st</sup> RDEIR and the 2<sup>nd</sup> RDEIR for the Department's review at the beginning of each document's public review period. SCAG will also be provided with a copy of the Final EIR when it is completed.

### Response to Comment 4-3

This comment provides SCAG's summary conclusion regarding consistency of the project at the time the comment was written (June 2014). This comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-4

This comment outlines goals of SCAG's 2012 RTP and raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-5

This comment addresses analysis contained in the Draft EIR that was revised in the 1<sup>st</sup> RDEIR and again in the 2<sup>nd</sup> RDEIR. The comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-6

This comment addresses how the project would facilitate economic development. Because both the RTP and the EIR have been subsequent revised and updated, this comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-7

This comment identifies measures incorporated into the Draft EIR in support of regional goals. Because both the RTP and the EIR have been subsequent revised and updated, this comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-8

This comment identifies measures incorporated into the Draft EIR in support of regional goals. Because both the RTP and the EIR have been subsequent revised and updated, this comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.



**Response to Comment 4-9**

This comment identifies SCAG regional goals and raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

**Response to Comment 4-10**

This comment identifies SCAG regional goals and programs. The comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

**Response to Comment 4-11**

This comment identifies growth forecasts from the 2012 RTP that have been subsequently revised and updated. This comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

**Response to Comment 4-12**

This comment notes that the Draft EIR incorporates growth projections from the 2012 RTP. Those projections were subsequently revised and updated. This comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

**Response to Comment 4-13**

This comment notes that the Draft EIR incorporates appropriate mitigation measures, some of which were subsequently revised and updated. This comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.



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Letter #5

June 5, 2014

*Via email and overnight delivery*

Orlando Hernandez, Senior Planner  
James R. Troyer, AICP, Director of Community Development  
City of Fontana  
Community Development Department, Planning Division  
8353 Sierra Avenue  
Fontana, CA 92335  
Ohernandez@fontana.org

**Re: WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN PROJECT**  
SCH No. 2012-071058

Dear Mr. Hernandez and Mr. Troyer:

Thank you for this opportunity to submit the following comments on behalf of Laborers International Union of North America, Local Union No. 783 and its members living in San Bernardino County (collectively "LIUNA Local Union No. 783" or "LIUNA" or "Commenters") regarding the Draft Environmental Impact Report ("DEIR") prepared for the West Valley Logistics Center Specific Plan, State Clearinghouse No. 2012071058 ("Project").

After reviewing the DEIR and supporting documents, it is clear that the document contains numerous errors and omissions that preclude accurate analysis of the Project. As a result of these inadequacies, the DEIR fails as an informational document and fails to impose feasible mitigation measures to reduce the Project's impacts.<sup>1</sup> In particular, the DEIR suffers from the following significant errors and omissions, among others:

- **AIR QUALITY:** The DEIR fails to adequately analyze air quality impacts because the analysis is not supported by substantial evidence, and because it fails to consider CARB recommendations regarding health impacts from diesel particulate matter on nearby communities.

5-1

<sup>1</sup> We reserve the right to supplement these comments at later hearings and proceedings for this Project. See *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109.

LIUNA Comments on West Valley Logistics Center  
 June 5, 2014  
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- GREENHOUSE GAS: The DEIR fails to adequately analyze and mitigate greenhouse gas impacts because the DEIR relies on an improper threshold of significance, and because the mitigation measure proposed are not sufficient under CEQA and not supported by substantial evidence.
- HAZARDOUS MATERIALS: The baseline of the physical environmental conditions in the vicinity of the Project is erroneous because the DEIR does not provide any details on whether the site is or is not contaminated, and fails to disclose the status of an underground storage tank.
- CUMULATIVE IMPACTS: The DEIR's cumulative impact analysis is little more than a list of conclusions, unsupported by any evidence. Moreover, the scope of the cumulative impacts analysis is too narrow.
- ALTERNATIVES: The DEIR does not provide sufficient information about the proposed alternatives to allow informed decision making. Additionally, the DEIR does not contain a reasonable range of alternatives. Specifically, the DEIR does not discuss a reduced-Project alternative.
- MITIGATION: The City's conclusion that the DEIR contains all feasible mitigation measures is not supported by substantial evidence. There are numerous other mitigation measures that should be required that are feasible and that would reduce or avoid significant air quality and greenhouse gas impacts.

5-1  
 cont.

Commenters request the Planning Commission, the Board of Supervisors, and city staff address these shortcomings in a revised draft environmental impact report (RDEIR) and recirculate the RDEIR prior to considering approvals for the Proposed Project.

#### I. BACKGROUND

The Project site encompasses 291 acres of land in the southeastern portion of the City of Fontana in San Bernardino County. (DEIR, ES-1.) The Project site borders the unincorporated community of Bloomington in San Bernardino County to the east and the City of Jurupa Valley in Riverside County to the south. (*Id.*) The Project consists of a specific plan, the West Valley Logistics Center Specific Plan, that is being proposed by Hillwood Investment Properties, Inc., the Project Applicant. (*Id.*, ES-2.) The Project site was previously approved for a mixed-use residential community known as the Valley Trails Specific Plan, which was never developed. (*Id.*)

The Project site is generally bounded on the north by the Southern California Edison utility corridor and Jurupa Avenue, on the west by the Jurupa Hills, on the south by residential properties located in the City of Jurupa Valley, and on the east by residential uses in the San Bernardino County area of Bloomington. (DEIR, 3-2.) Single-family residential uses are located approximately 150 feet east of the eastern

LIUNA Comments on West Valley Logistics Center  
 June 5, 2014  
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border of the Project site, and 250 feet south of the southern border, and 1,000 feet from the Project's northern border. (DEIR, 4.2.2-6.) Additionally, three elementary schools and a middle school are located at 1,700 ft., 1,900 feet, 2,400 feet, and 3,600 feet from the Project's borders. (*Id.*)

The Project would include the construction of a warehouse facility comprising seven buildings consisting of a total of approximately 3,473,690 square feet on 212.1 acres. (DEIR, ES-2.) In addition, 14.9 acres of the Project site would include detention basins, 1.54 acres of existing utility corridor would remain unchanged, 55.2 acres would be retained in natural hillside open space, and 7.5 acres would consist of right-of-way dedications. (DEIR, ES-2.)

## II. STANDING

LIUNA Local 783 has hundreds of members who live in and around San Bernardino County. These members will suffer the air quality impacts, greenhouse gas, and health impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group or environmental group. Therefore, Local 783's members have a direct interest in ensuring that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible. *See Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198 ("unions have standing to litigate environmental claims").

5-2

## III. LEGAL BACKGROUND

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances). (*See, e.g.*, Pub. Res. Code § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.)

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CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).) "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Berkeley Keep Jets*

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*Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.)

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See, *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (PRC § 21081; CEQA Guidelines § 15092(b)(2)(A) and (B).)

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While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 391, 409, fn. 12 (1988).) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”

(*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.)

#### IV. THE DEIR IMPROPERLY SEGMENTS THE PROJECT BY FAILING TO INCLUDE INFRASTRUCTURE AS PART OF THE PROJECT.

The “project” is “the whole of an action” directly undertaken, supported, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (PRC § 21065; CEQA Guidelines § 15378(a).) Under CEQA, “the term ‘project’ refers to the underlying activity and not the governmental approval process.” (*California Unions for Reliable Energy v. Mojave Desert Air Quality Mgmt. Dist.*, 178 Cal. App. 4th 1225, 1241 (2009) (quoting *Orinda Ass'n v. Bd. of Supervisors*, 182 Cal. App. 3d 1145, 1171-72 (1986)).)

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The courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document].” (*County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977).) Thus, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” (*Bozung v. LAFCO*, 13 Cal.3d 263, 283-84 (1975); *City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1452 (1989).) Before undertaking a project, the lead agency must assess the environmental impacts of all reasonably foreseeable phases of a project and a public agency may not segment a large project into two or more smaller projects in order to mask serious environmental consequences. As the Court of Appeal stated:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, **covering the entire project, from start to finish...**the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.

(*Natural Resources Defense Council v. City of Los Angeles*, 103 Cal.App.4th 268 (2002) (emphasis added).)

In *County of Amador v. City of Plymouth*, 149 Cal. App. 4th 1089, 1095 (2007) an Indian tribe intended to build a large gaming development comprised of a hotel, restaurants, and bars, on land located in or adjacent to the city. The Court held that the construction of public works, including a city road to the casino hotel, constituted a project within the scope of CEQA. (*Id.* at 1100.) The Court cited to the CEQA Guideline § 15378(a)(1) which states that the following is included in the term “project”: “public works construction and related activities, clearing or grading of land [and] improvements to existing public structures...” (*Id.* at 1100.)

Instead of including the water, sewer lines, and other required infrastructure described in the DEIR as part of the Project, the DEIR treats these infrastructure improvements as a separate project. The DEIR does not analyze the environmental impacts of any of the public facilities and service improvements that are part of the Project. (See DEIR, 3-7-8.) For example, the DEIR states that water pipeline infrastructure must be constructed within future extensions of Alder Avenue, Armstrong Avenue, and Locust Avenue and an existing 12-inch water main that crosses the site would be relocated. (DEIR, 3-7.) Additionally, a “12-inch water main is proposed along Armstrong Avenue and Locust Avenue and would require other connections. The proposed project would also include the installation of reclaimed pipe for future use.” (*Id.*)

In addition to water facilities, the Project also includes on- and off-site sewer facility upgrades. (*Id.*) The Project includes a new gravity main connection at Locust Avenue and 7th St. to connect with an existing gravity main in Santa Ana Ave, and off-

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site improvements on Linden Ave. and on 11th Street would be constructed, along with a new lift station at Linden Ave. (DEIR, 3-7.) The Project also includes "development of utility and public service improvements to provide telephone, cable, internet, and natural gas within the proposed project site." (DEIR, 3-8.)

The City is improperly chopping the Project into different segments, which is prohibited by CEQA because proper analysis of the whole Project is thwarted. Like the casino road in *County of Amador v. City of Plymouth*, the roads, water, and sewer lines that will serve the Project must be included as part of the Project and properly analyzed as part of the whole Project. The DEIR's failure to address these portions of the Project violates CEQA's mandate that "[a]ll phases [and components] of a project must be considered when evaluating its impact on the environment." (CEQA Guidelines § 15126.) The DEIR must be revised to include these Project features in the environmental analysis.

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**V. THE DEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIAL SIGNIFICANT IMPACTS.**

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code § 21100(b)(1); 14 Cal.Code Regs. § 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354.) CEQA requires that an EIR must not only identify the impacts, but must also provide "information about how adverse the impacts will be." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.)

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (Guidelines §15002(a)(2)). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)).

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In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370). Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.* at § 15126.4(a)(1)(B)). A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all

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uncertainties regarding the mitigation of significant environmental impacts have been resolved. 5-5 cont.

#### **A. The DEIR Fails to Adequately Analyze Air Quality Impacts**

##### **1. The DEIR's Analysis of Air Quality Impacts is Not Based on Substantial Evidence.**

The DEIR concludes that the Project will not conflict with or obstruct implementation of the applicable air quality plan. The City's reasoning is that "[s]ince the air quality management plan was based on the more intense Valley Trails Specific Plan in terms of daily vehicle trips, the proposed project, while a different use, is consistent with the AQMP because its impacts are all less than the impacts assumed for the approved use on the site." (DEIR, ES-9-10.)

This conclusion is based on the fact that "[t]he Valley Trails Specific Plan would be expected to generate a total of 8,765 new daily trips. This is slightly greater than the 8,365 daily trips anticipated to occur under the proposed project. The traffic generated by the proposed project and the resulting air quality emissions would be less than what would occur from the Valley Trails Specific Plan." (DEIR, 4.2.2-19.) But this bare conclusion, unsupported by any evidence, fails to consider that most of the traffic generated by the Project is truck traffic, which generates large amounts of diesel particulate matter, while the majority of Valley Trails traffic is from cars. For example, EPA estimates that an average passenger car emits just 0.0044 grams of PM-10 per mile driven. (<http://www.epa.gov/otaq/consumer/420f08024.pdf> (Exhibit A)) An average heavy duty truck emits 0.219 grams of PM-10 per mile. (<http://www.epa.gov/otaq/consumer/420f08027.pdf> (Exhibit B)). Thus, PM-10 emission from trucks are over 49 times higher than PM-10 emission from cars. The DEIR should be revised to include and a complete analysis, based on substantial evidence. 5-6

##### **2. The DEIR's Analysis of Health Impacts from Diesel Particulate Matter on Nearby Communities is Insufficient.**

The Project may have significant adverse health impacts on residential communities located as little as 150 feet away. Diesel particulate matter ("DPM") may cause cancer and non-cancer impacts on the nearby residential community due to truck idling at the Project site, as well as truck traffic that will pass the residential community on a regular basis. In April 2005, CARB released the final version of the *Air Quality and Land Use Handbook: A Community Health Perspective* ("CARB Handbook") (Exhibit C), which is intended to encourage local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors near sources of air pollution. The CARB Handbook advises that residential development not be placed within 1000 feet of a major source of distribution center. The Handbook makes the following recommendations regarding siting of distribution center projects, like the proposed Project, in location to sensitive receptors: 5-7



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- Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).
- Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.

(CARB Handbook, p. 4.)

5-7  
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The DEIR estimates that the project will generate 1,304 daily truck trips – over thirteen times higher than the CARB threshold of 100 daily truck trips. The proposed Project is located only 150 feet from the nearby residential community. It therefore exceeds the CARB significance threshold. The DEIR ignores these recommendations, and provides no evidence as to why these recommendations should not be complied with.

Additionally, the DEIR fails to analyze the environmental impact of Transport Refrigeration Units (“TRUs”). According to the CARB Handbook, TRUs are the largest continuing onsite diesel PM emission source. (CARB Handbook, 12.) CARB estimates that a facility with 40 TRU-equipped trucks per day, potential cancer risk would be over 100 in a million at 800 feet from the center of the TRU activity. (CARB Handbook, 13.) These risks decrease greatly with increased distance, however. CARB estimates that the potential cancer risk is 10 per million at a range between 800 to 3,300 feet, and less than 10 per million at approximately 3,600 feet. (CARB Handbook, 13.) Even with 2020 emission rates, CARB estimates a potential cancer risk of greater than 100 per million for sensitive receptors up to 225 feet. (*Id.*) Another air modeling analysis was performed by the South Coast Air Quality Management District (SCAQMD) evaluated the impact of diesel PM emission from distribution center operations in the community of Mira Loma southern California and found that there is an approximately 80-percent drop off in concentration at approximately 1,000 feet. (CARB Handbook, 14.)

5-8

Both CARB and the SCAQMD analyses indicate that providing a separation of 1,000 feet would substantially reduce diesel PM concentrations and public exposure downwind of a distribution center. (CARB Handbook, 14.) Based on these analyses, CARB recommends a separation of 1,000 feet between distribution centers and sensitive receptors. (*Id.*) CARB also notes that configuration of distribution centers can also reduce population exposure and risk, including locating sensitive land uses away from the main entry and exit point to help reduce cancer risks and other health impacts. (CARB Handbook, 14.)

The DEIR should be revised to analyze the serious health impacts that this Project will have on surrounding neighborhoods, including a discussion and analysis of emissions from TRUs. The Revised DEIR must also consider mitigation measures and alternatives that would not site the Project within 1,000 feet of sensitive receptors.

5-9

**B. The DEIR Fails to Adequately Analyze and Mitigate Greenhouse Gas Impacts.**

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts (Pub. Res. Code §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Res. Code § 21100(b)(3); CEQA Guidelines § 15126.4). A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available)). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines § 15364). To demonstrate economic infeasibility, "evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181). The EIR must provide evidence and analysis to show the project cannot be economically implemented. (*Kings County, supra*, 221 Cal.App.3d at 734-737). This requires not just cost data, but also data showing insufficient income and profitability. (*See Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements)). Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (*Id.* at § 15126.4(a)(2)).

5-10

A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines §§ 15126.4, 15091).

**1. The DEIR Relies on an Improper Greenhouse Gas Threshold of Significance.**

In its analysis of the significance of the Project's greenhouse gas emissions, the DEIR relied on the SCAQMD's draft-tiered Interim GHG Significance Thresholds, adopted in December 2008 by SCAQMD for projects for which SCAQMD is the lead agency ("SCAQMD Interim Thresholds"). (DEIR, 4.2.6-19-21.)

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The SCAQMD Interim Thresholds relies on a bifurcated screening level approach "to address two greatly differing project types: industrial projects as opposed to residential and commercial projects (which are largely indirect source). The former category typically contains stationary source equipment whose emissions are largely

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permitted or regulated by the SCAQMD; whereas the latter category is mostly residential, commercial (may also be industrial) building structures that attract or generate mobile source emissions.” (SCAQMD 2008, 3-11.) SCAQMD Staff recommends using the residential/commercial value “for residential and commercial developments, including industrial parks, warehouses, etc.” (SCAQMD 2008, 3-15.)

The DEIR improperly relies on the SCAQMD Interim GHG Significance Threshold Staff Proposal's threshold of 10,000 MTCO<sub>2</sub>eq/yr for industrial facilities. (DEIR, 4.2.6-21.) Since the Project is the type of industrial project that attracts or generates mobile source emissions, rather than a major stationary source, it should have been evaluated under the residential/commercial threshold of 3,000 MTCO<sub>2</sub>eq/yr. (SCAQMD 2008, 3-12.) The DEIR must be revised to analyze the Project's Greenhouse gas emissions impacts when compared to the proper threshold of significance.

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## **2. The Effect of Proposed Greenhouse Gas Mitigation Measures Is Not Supported By Substantial Evidence.**

Even relying on the higher, albeit improper, significance threshold of 10,000 MTCO<sub>2</sub>eq/yr the DEIR states that the Project's greenhouse gas (GHG) emissions, before mitigation, are estimated to be 39,000 metric tons of CO<sub>2</sub>e/year (MT CO<sub>2</sub>e/yr) which exceed the SCAQMD threshold of 10,000 MT CO<sub>2</sub>e/yr by nearly four times, and are therefore considered significant. (DEIR, p. 4.2.6-22). The Project's GHG emissions exceed the SCAQMD threshold by nearly four times. Therefore, the City is required to discuss mitigation measures and alternatives to reduce or eliminate the environmental impact.

5-12

The DEIR discusses a handful of mitigation measures and “standard conditions” to mitigate greenhouse gas impacts. (DEIR, 4.2.6-25-26.) However, the City has not gathered any estimate of actual reductions of GHG emissions by any of the mitigation measures it purports will address those emissions. This violates CEQA. In *Friends of Oroville v. City of Oroville*, 219 Cal. App. 4th 832 (Cal. App. 3d Dist. 2013, as modified September 18, 2013) (“*Oroville*”), The court further held that failing to calculate existing air emissions at the project site, and “failing to quantitatively or qualitatively ascertain or estimate the effect of the Project's mitigation measures on those emissions,” amounted to misapplication of the threshold-of-significance standard. (*Id.* at 842-843.)

Whether or not the mitigation measures proposed will reduce the GHG emissions at all is completely unsupported, and the DEIR fails to calculate what the Project's GHG emissions will be after the mitigation measures are implemented. A revised DEIR should be prepared to show the efficiency of the Project's proposed mitigation measures in reducing greenhouse gases.

## **3. The Proposed Greenhouse Gas Mitigation Measures Do Not Comply with CEQA.**

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The few greenhouse gas mitigation measures that are proposed fail to comply with CEQA because they are too vague, remote, and speculative. (*See Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1260.) Mitigation Measure GHG-1 provides that the Project would be required to "Limit unnecessary idling of construction equipment. A reduction in equipment would reduce fuel consumption and, therefore, GHG emissions. (DEIR, 4.2.6-26.) No further information is provided regarding what idling is "unnecessary" or how much the unnecessary idling is to be limited. Mitigation Measure GHG-1 further requires that the developer use locally produced and/or manufactured building materials for at least 10% of the construction materials used for the project, and use "green" building materials, such as those materials that are resources efficient and recycled and manufactured in an environmentally friendly way, for at least 10% of the project. (DEIR, 4.2.6-26.) No justification is given as to why 10% is "feasible" but 50% is not feasible. Moreover, no definition is given as to what qualifies as "green" or "local".

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Mitigation Measure GHG-1 also requires the Project to "[m]aximize the use of electricity from the power grid by replacing diesel – or gasoline-powered construction equipment, to the extent feasible. Generators and other small equipment should be electrified, as well as larger construction equipment, to the extent feasible, such as forklifts. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants" (DEIR, 4.2.6-26.) The DEIR provides not definition of what is and is not "feasible," and inclusion of such a vague term renders the mitigation measure speculative at best.

5-14

Mitigation Measure GHG-2 provides that "Prior to the issuance of building permits, future development projects within the WVLCSP shall demonstrate the incorporation of project design features that achieve a minimum of 15% reduction by incorporating any of the following from the list of potential design features:" There is no discussion of whether reductions of greater than 15% are feasible. Given the magnitude above the threshold level of significance, and the feasibility of all of these measures, they should all be required and incorporated into the Project as mitigation measures.

5-15

**4. The DEIR Fails to Impose Feasible Mitigation Measures to Reduce GHG Impacts**

As discussed further below in section F, the City's conclusion that the DEIR includes all feasible mitigation measures to avoid or minimize greenhouse gas emissions is not based on substantial evidence. To the contrary, there are many additional feasible mitigation measures that should be required to reduce the Project's GHG impacts. These measures should either be required for the Project, or specific findings should be made explaining why each is infeasible.

5-16

**C. The DEIR Fails to Adequately Analyze Hazards and Hazardous Materials and Establishes an Erroneous Baseline.**

5-17

### 1. CEQA Baseline Standard

The CEQA “baseline” is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Environment v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines states in pertinent part that a lead agency's environmental review under CEQA:

must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

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CEQA Guidelines § 15125(a); see *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*”). As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground,’” and not against hypothetical conditions. *Save Our Peninsula*, 87 Cal.App.4th 99, 121-123. As the court has explained, using such a skewed baseline “mislead(s) the public” and “draws a red herring across the path of public input.” *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711. Reasonable hazardous risks and baselines are not determined by failing to look. The DEIR should be held in abeyance until the Applicant completes necessary soil sampling and, if necessary, remediation, at the site and appropriate additions and modifications to the DEIR prepared for public review.

### 2. The DEIR’s Environmental Baseline for Hazardous Substances is Incomplete.

The DEIR skirts potentially significant impacts that may result from the Project by failing to look for them and failing establish a baseline supported by substantial evidence. Specifically, the DEIR fails to look for pesticide residues and other contaminants in soils at the site and potentially hazardous underground storage tanks.

5-18

The analysis of potential hazardous waste conditions in the DEIR was based on the preparation of an April 2013 Phase I Environmental Site Assessment (“Phase I ESA”) (Appendix C). Despite acknowledging that the Project site was formerly used for agricultural purposes for approximately 50 years, that DDT and other pesticides are likely present in the soil, and that DDT and other pesticides may cause cancer (App. C, 39-40), the City did not take any soil samples to determine if any hazardous residues remain in the soil.

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The Project site was formerly used for agricultural purposes since 1953, and the majority of the Project site was used for vineyard production as recent as 2005. (DEIR App. C, 40.) The City admits that “there is a significant potential for agriculturally-related persistent compounds to exist within the soils. Such agriculturally related compounds typically contain residues of DDT derivatives or heavy metals from pesticides and fertilizers” and that DDT and other pesticides may cause cancer. (App. C, 39-40.) Indeed the Phase I ESA actually recommends a Phase II ESA, including soil testing of all areas of the Project site previously used for agricultural land uses. (DEIR, App. C, 43.) The City ignores all of this evidence and the recommendation of its own experts, and in doing so provides an incomplete baseline.

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By failing to quantify the presence of persistent chemicals in the soil, the DEIR fails to identify any baseline supported by substantial evidence from which to assess the significance of potential exposure to workers who may be exposed to contamination by touching soil or breathing the dust. Soil sampling and a Phase II ESA report must be prepared for the site and the DEIR revised to include a proper baseline of hazardous materials and exposure risks at the site, and if needed, appropriate mitigation measures must be included.

In addition to potential agricultural chemical residue, the City ignored other potentially hazardous risks located on the Project site. According to the Phase I ESA, “[t]wo possible vent pipes/transfer lines were noted during the site reconnaissance possible indicating the presence of a UST.” (DEIR, App. C, 33.) The Phase I ESA recommends a Phase II to determine whether the vent pipes are associated with USTs, and if so, careful extraction under the supervision of a qualified hazmat professional. (DEIR, App. C, 43.) The DEIR fails to establish an adequate baseline because it does not disclose whether USTs are present on site, and if so, the status of these USTs. A revised DEIR is required to disclose this important information.

5-19

The DEIR proposes to build a project on a potentially contaminated site, and is attempting to avoid cleanup of the site by refusing to determine if the site is or is not contaminated. CEQA does not allow this. *CREED v. Chula Vista* (2011) 197 Cal. App. 4th 327. The DEIR attempts to include a Phase II ESA study as a mitigation measures, stating that the “Phase II ESA must determine the environmental quality of the site and verify if the site is or is not contaminated. The applicant and project contractors shall be required to follow recommendations provided in the Phase II ESA, specifically if contamination exists on site, and follow measures for site remediation including methane monitoring for the former Crestmore Disposal landfill site, as applicable.” (DEIR, 4.2.7-17.) But this information is needed to establish an environmental setting for the EIR. It is not a mitigation measure.

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The City should follow the recommendations made by its consultants in the Phase I ESA, including:

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1. Phase II ESA soil testing in high-REC probability areas. These include: 1) within the detention basin in the vicinity of distressed vegetation, effluent streambed, and stained soil; 2) in the vicinity of parcels 1-3 and other parcels where troughs in the topography collect rainfall and ponding occurs or soil stains are evident; 3) areas formerly used for agricultural land use.
2. If the vent pipes within proposed Parcels 8 and 9 are associated with USTs, careful extraction under the supervision of a qualified hazardous professional is recommended.
3. A contractor licensed in the removal and remediation of hazardous materials should be used to remove all materials stored or disposed of onsite.
4. Imported soil must be removed from within the subject property. Sampling must be performed to assure it is free of contamination if soil is to be integrated within the site.
5. The municipal water supply must be utilized in the future development of the property.
6. A more thorough investigation is warranted of historic Crestmore Disposal Site monitoring data to characterize the nature and extent of migratory VOCs and groundwater contamination and their potential impact on the proposed development.
7. Environmental investigation, sampling, and remediation should be conducted under a workplan as recommended by the CA DTSC; this must be overseen by the local regulatory agency that has jurisdiction to oversee hazardous substance cleanup.

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(DEIR, App. C, 43-44.) Without this information, the DEIR fails to establish an adequate environmental setting for the Project. A revised EIR should be circulated to the public with this additional information, and any required mitigation.

**3. Residual Pesticides and Other Contamination in the Soil May Pose Health Risks to Workers and Nearby Residents.**

The DEIR and supporting documents fail to provide any specific details on the types of pesticides that have been used on the Project site in association with these agricultural operations. Additionally, the City failed to test for and disclose the presence of pesticide residuals in the Project site soils. As the Phase I ESA notes, pesticides such as DDT and associated chemicals can persist in soil for hundreds of years despite

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being banned in the 1970s.<sup>2</sup> Exposure to DDT can result in headaches, nausea, and convulsions.<sup>3</sup> The U.S. EPA identifies DDT and DDE as probable human carcinogens.<sup>4</sup>

Failure to test for and disclose the presence of pesticide residuals in the Project site soils may pose significant health risks to construction workers. The excavation of approximately 2,000,000 cubic yards of material is proposed by the Project. (DEIR, 3-9.) According to the DEIR, “[e]arthwork would be balanced within the project area and would not require the import or export of material to or from off-site locations, as excavated soil would be reused throughout the project site.” (DEIR, 3-9-10.) The Phase I ESA specifically provides that soil sampling must be performed to assure that excavated soil is free of contaminants if soil is to be integrated within the site. (DEIR App. C, 44.) No sampling has been conducted or is planned to be conducted.

During earthmoving activities, construction workers and the public may be exposed to Project site soils which may contain harmful levels of pesticide residuals associated with agricultural activities on the site, as well as other potentially hazardous residues on site including petroleum hydrocarbons. To protect worker safety, Project site soils must be sampled. Sampling results should be compared to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels<sup>5</sup> and California Human Health Screening Levels.<sup>6</sup>

5-21  
cont.

Soil sampling results should also be evaluated for the protection of nearby residents, located 150 feet from the Project’s eastern boundary and 250 feet from the southern boundary. (DEIR, 4.2.2-5.) Inhalation of pesticides has been linked to asthma in recent research.<sup>7,8</sup> A report prepared by the California Department of Health identifies pesticides as an asthma trigger.<sup>9</sup> Offsite receptors, including any children living in the neighboring residences, may be exposed to pesticide residuals via dust generated during Project construction.

Soil sampling and a Phase II ESA report should be prepared for the site and the DEIR revised to include a proper baseline of hazardous materials and exposure risks at the site, and if needed, appropriate mitigation measures must be included.

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<sup>2</sup> <http://www.atsdr.cdc.gov/toxprofiles/tp35.pdf>, p. 3

<sup>3</sup> <http://www.epa.gov/ttn/atw/hlthef/dde.html>

<sup>4</sup> <http://www.atsdr.cdc.gov/toxfaqs/faq.asp?id=80&tid=20>

<sup>5</sup> <http://www.epa.gov/region9/superfund/prg/>

<sup>6</sup> <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

<sup>7</sup> <http://extension.psu.edu/ipm/resources/urbanphilly/partnerships/handouts/asthma-pests.pdf>

<sup>8</sup> <http://www.ncbi.nlm.nih.gov/pubmed/21368619>

<sup>9</sup> [http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan\\_5-5-08.pdf](http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan_5-5-08.pdf), p. 22



**D. The DEIR's Cumulative Impact Analysis is Conclusory and Devoid of Substantial Evidence.**

The DEIR cumulative impact analysis is devoid of substantial evidence and errs as a matter of law and commonsense. Lacking any substantial evidence, the DEIR fails to provide sufficient information for the public to evaluate cumulative impacts that may result from approval of the proposed Project. The amount of information provided for each of the listed projects does not provide the reviewing public or decisionmakers sufficient information about the projects to assess the validity of the cumulative impacts conclusions included in the DEIR. Indeed, the DEIR provides no specific information about any environmental impact that any of the listed cumulative projects will have. As one proceeds through each specific cumulative impact section, it becomes clear that the cumulative impacts "analysis" is nothing more than bare conclusions and wishful thinking, unsupported by any evidence.

An EIR must discuss significant cumulative impacts. CEQA Guidelines section 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

5-22

"Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines section 15355(a). "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Communities for a Better Environment v. Cal. Resources Agency* ("CBE v. CRA"), (2002) 103 Cal.App.4th 98, 117. A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b). As the court stated in *CBE v. CRA*, 103 Cal. App. 4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually,

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but assume threatening dimensions when considered collectively with other sources with which they interact.

(Citations omitted).

A cumulative impact analysis, like the rest of the EIR, must provide specificity, and must be more than a conclusion "devoid of any reasoned analysis." *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 411. "[I]t is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them. (Pub. Res. Code, § 21061.)" *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. See also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.

5-22  
cont.

### 1. The Scope of the Cumulative Impacts Analysis is Improper.

The cumulative impacts analysis is incomplete because it is based on an incomplete set of projects. (CITE.) Specifically, section 6.2.2 states that the geographic scope for cumulative air quality impacts pertaining to consistency with air quality plans and air quality threshold levels is the entire South Coast Air Basin. (DEIR, 6-9.) However, the list of cumulative projects analyzed for cumulative impacts only encompasses a five-mile radius. (DEIR, 6-2.) Moreover, the Project Applicant, Hillwood Investment Properties, touts as a benefit of the Project that it is located "less than 3 miles from the Union Pacific's Rail Yard and Colton Crossing which is used by Metrolink, BNSF and Amtrak" and that the Project "features immediate access to I-15 and I-215."<sup>10</sup> Yet the cumulative impacts analysis does not mention these cumulative projects or analyze their impacts together with the Project and other related projects. The DEIR must be revised to include a list of past, present, and probable future projects producing related impacts. (CEQA Guidelines § 15130(b)(1)(A).)

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Because the DEIR failed to include a comprehensive review of all projects within the sphere of the Proposed Project, cumulative impacts on air quality will be even greater. A revised DEIR needs to be prepared to acknowledge the full significance of the construction of all projects on air quality and to provide adequate mitigation.

### 2. The DEIR's Cumulative Impacts Analysis is Conclusory and Is Not Supported by Substantial Evidence.

The analysis of cumulative impacts from the Project totals 1 to 3 paragraphs for any given environmental impact. (DEIR, Ch. 6.) Each analysis consists of nothing more than baseless conclusions. For example, with no facts provided to support its conclusion, the DEIR concludes that the Project would contribute to the cumulative air quality impacts for nonattainment pollutants (ozone, NOx, PM10, and PM 2.5), and that

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<sup>10</sup> <http://www.hillwoodinvestmentproperties.com/default.aspx?tabid=209>

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cumulative impacts would be significant and unavoidable. (DEIR, 6-11.) Similarly, the DEIR finds that “[c]umulative impacts on hydrology would result from the construction and operation of new facilities in combination with other projects currently proposed or under construction within the project vicinity.” (DEIR, 6-14.)

These conclusions do not constitute an analysis. [I]t is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them. (CEQA, § 21061.)” *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. See also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723. The DEIR’s vague and conclusory cumulative impacts analysis provides no such information. Without even the most basic information about any of the cumulative projects or their environmental impacts, the DEIR’s general cumulative impact conclusions are not supported by substantial evidence.

5-24  
 cont.

Additionally, the Cumulative Air Quality Impacts analysis is also deficient because its conclusion that cumulative impacts to sensitive receptors would be less than significant is unsupported by any substantial evidence. (6-10). The entire analysis of cumulative impacts to sensitive receptors consists of the conclusory statement that “sensitive receptors in the vicinity of the project would not likely be exposed to substantial pollutant concentrations from past, present, and future projects in the area because it is not likely that multiple projects would result in overlapping, substantial pollutant concentrations and be constructed near any single sensitive receptor.” This is not the type of analysis required under CEQA.

5-25

Whether or not the City considers it “not likely” that people will be exposed to substantial pollutant concentrations says nothing about whether or not the Project, together with past, present, and probable future projects, will have a cumulative impact on nearby sensitive receptors. An EIR must contain facts and analysis, not just an agency’s bare conclusions or opinions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. The City has provided no facts from which any conclusion can be drawn regarding the Project’s cumulative air quality impacts.

In addition to being conclusory, the cumulative biological resources “analysis” is also based on flawed logic. The DEIR concludes that cumulative impacts on biological resources would be insignificant because “[r]elated development projects would be subject to regulatory requirements (e.g. Clean Water Act, Endangered Species Act, California Porter-Cologne Water Quality Control Act) and, therefore, impacts would be reduced on a case-by-case bases.” (DEIR, 6-11.) The City relies on the exact argument CEQA’s cumulative impact analysis is meant to protect against. The entire purpose of a cumulative impact analysis is to prevent the situation where mitigation occurs to address project-specific impacts, without looking at the bigger picture. The City’s argument, applied over and over again, has resulted in major environmental

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damage, and is a major reason why CEQA was enacted. As the court recently stated in *CBE v. CRA*, 103 Cal. App. 4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

5-26  
 cont.

(Citations omitted.) The DEIR must be revised to include an analysis of the cumulative impacts of the Project, supported by substantial evidence.

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**E. The DEIR’S Discussion of Alternatives is Incomplete.**

CEQA requires that an EIR provide a discussion of project alternatives that allows meaningful analysis. (*Laurel Heights I*, supra, 47 Cal.3d at 403.) An EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (CEQA Guidelines § 15125.6.)

The “discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if the alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines § 15126.6(b).) It is imperative that the “EIR . . . include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” (*Id.* § 15126.6(d).) A project cannot be approved if its significant impacts can be feasibly reduced to insignificance through project alternatives or mitigation measures. PRC §§ 21002, 21081.

5-28

Agencies can eliminate alternatives from detailed consideration in an EIR if they are infeasible, fail to meet “most” of the basic project objectives, or do not avoid significant environmental impacts. (CEQA Guidelines § 15126.6(c).) However, the EIR must discuss the selection and rejection of alternatives “in a manner to foster meaningful public participation and informed decisionmaking.” (*Id.* § 15126.6(f)). An agency’s rejection of an alternative as “infeasible” or otherwise “unworthy of more in-depth consideration” must be supported by “substantial evidence.” *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 885.

Here, the DEIR’s alternatives analysis violates CEQA for three reasons. First, it fails to consider a reasonable range of alternatives. Second, for the alternatives considered, the DEIR fails to provide sufficient information for the public and decision makers to compare the relative environmental impact of the alternatives. Third, the

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DEIR improperly dismisses the feasible and less environmentally damaging Reduced Office/Business Park alternative without substantial evidence. 5-28 cont.

**1. The DEIR Does Not Provide Sufficient Detail About Proposed Alternatives to Allow Informed Decision Making.**

The DEIR fails to provide sufficient information about each alternative presented to allow meaningful evaluation, analysis, and comparison with the proposed project. To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." (*Laurel Heights*, supra, 47 Cal.3d at p. 404.) "An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making." (*Laurel Heights I*, 47 Cal.3d at 404.) It must also include "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Id.* at 405)

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The analysis of project alternatives must contain a quantitative assessment of the impacts of the alternatives. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733-73, the court found the EIR's discussion of a natural gas alternative to a coal-fired power plant project to be inadequate because it lacked necessary "quantitative, comparative analysis" of air emissions and water use. The court concluded that absent such data, the significance of the elimination of this impact was unknown.

**i. Alternative 1**

The first alternative is a "no build" alternative. This alternative is dismissed with the bare conclusion that "maintaining the site as open space would not be economically feasible because it would not allow the property owner to utilize the property or recuperate the cost for the purchase of the property and would not meet any of the project objectives." (DEIR, 5-5.) As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

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The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

(*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; see also, *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322.) None of this information was provided in the DEIR. The DEIR provides no analysis to show whether the environmentally superior "no-build" alternative would or would not be economically feasible, and therefore, it cannot be rejected as infeasible.

**ii. Alternative 2**

The second alternative is a “no-project” alternative, which would result in a build out of the previously approved Residential Valley Trails Specific Plan. (DEIR, ES-5.) The Valley Trails Alternative is not a true alternative because it would not reduce or avoid significant environmental impacts, which is a requirement under CEQA PRC §21002, CCR 15126.6(a)-(b). Other than the no-build alternative (Alternative 1), and the no-project alternative (Alternative 2), the DEIR analyzes only two other alternatives.

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**iii. Alternative 3**

The DEIR briefly analyzes a “Multi-Tenant Business Park Alternative” (Alternative 3). Similar to the proposed Project, Alternative 3 develops 3.47 million square feet. (DEIR, ES-5.) However, the buildings would consist of a mix of small-scale, light industrial development, business services, and employee-serving commercial uses (e.g. cafes). (Id.) There is no discussion of how much of the development would be of each type, so 90% could be light industrial, or 10% could be industrial. Without knowing whether 90% of the 3.47 million square feet of building or 10% of the 3.47 million square feet of building would be industrial development, or somewhere in between, the DEIR provides no basis for the public or decision makers to conduct a meaningful analysis of whether, and to what extent the alternative would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternative, as require by CEQA.

5-32

The DEIR notes that the main difference between Alternative 3 and the proposed Project is that the “development would be substantially less truck-intensive, and would result in less truck traffic than the proposed project.” (DEIR, 5-10.) With no quantitative analysis whatsoever, the DEIR concludes that “fewer truck emissions yet greater non-truck emissions would occur under this alternative. As such, this alternative is expected to result in similar air quality and greenhouse gas impacts.” (DEIR, 5-10-11.) However, there is no evidence supporting this conclusion and no discussion of how much less truck traffic would occur under this alternative. As discussed above, truck emissions per mile are approximately 50 times higher than car emission. Similarly, there are no facts presented or analysis of the amount of air pollution or greenhouse gas emissions that would be mitigated under this alternative. Without such information, the alternative analysis does not meet CEQA’s informational purpose.

5-33

Moreover, other than the unsupported claim that Alternative 3 will have a reduced noise impact, the DEIR provides that Alternative 3 would have similar or greater environmental impacts than the proposed Project. (DEIR, 5-17-18.) Since CEQA requires discussion of alternatives that would reduce or avoid environmental impacts, alternative 3 need not even have been considered as a reasonable alternative.

5-34

**iv. Alternative 4**

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Finally, the DEIR briefly analyzes a “Reduced Office/Business Park Alternative” (Alternative 4). Alternative 4 is essentially the same project, at the same location as Alternative 3, but with a development intensity approximately 25% less than Alternative 3. (DEIR, ES-6.) Under this alternative, 2.6 million square feet of building area would be developed. (*Id.*) 1.3 million square feet would consist of single multi-tenant industrial business designed for small uses similar to those proposed in Alternative 3, along with 1.3 million square feet of two to three story office buildings not included as part of Alternative 3 or the proposed Project. (*Id.*)

5-35

Other than the no-build alternative, the DEIR identifies the Reduced Office/Business Park alternative as the environmentally superior alternative. (DEIR, ES-6.) The DEIR claims that this alternative “has fewer impacts on the environmental than the proposed project. It would have fewer impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise.” (*Id.*) None of these conclusions are supported by substantial evidence or a quantitative analysis.

The DEIR states that “High-intensity truck-related uses associated with industrial uses would not occur under this alternative. Therefore, emissions associated with these truck-related uses would be eliminated or substantially reduced under this alternative.” (DEIR, 5-14-15.)

The DEIR concludes that “fewer truck emissions yet greater non-truck emissions would occur under this alternative. However, due to a smaller development (2.6 million square feet) proposed under this alternative compared to the 3.47 million square feet under the proposed project, reduced air quality and greenhouse gas impacts are anticipated to occur.” (DEIR, 5-13.) This analysis is insufficient under CEQA. That the City “anticipates” reduced air quality and greenhouse gas emissions is completely irrelevant. To facilitate CEQA’s informational role, the EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.” (*Laurel Heights, supra*, 47 Cal.3d at p. 404.) The DEIR provides no evidence to support its conclusions, and provides no quantitative analysis.

5-36

The DEIR dismisses the feasible and less environmentally damaging Reduced Office/Business Park alternative without any supporting evidence. The DEIR dismisses the environmentally superior alternative for two reasons: 1) it would result in a reduced development potential, and 2) it does not respond to market demand for industrial warehouse space in this portion of the City and therefore does not meet the full extent of the project objectives. (DEIR, ES-6.) Neither of these reasons are proper under CEQA.

5-37

First, that Alternative 4 would result in reduced development potential does not mean that it is infeasible. As discussed above, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; *see also*,

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*Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322.) The DEIR provides no analysis to show whether the environmentally superior alternative would or would not be economically feasible, and therefore cannot be rejected as infeasible for this reason. 5-38 cont.

Second, the DEIR states that “this alternative does not respond to market demand for industrial warehouse space in this portion of the City. As such, the Reduced Office/Business Park alternative does not meet the full extent of the project objectives for the creation of industrial uses.” (DEIR, 5-17.) This conclusion is improper because the DEIR provides no evidence to support the claim that there is a market demand for industrial warehouse space in this portion of the City. Indeed, according to the cumulative impact assessment, there are more than 5.2 million square feet of industrial warehouse space within five miles of the proposed Project site that are in the process of being developed. (DEIR, 6-7.) Moreover, an alternative cannot be dismissed because it does not meet the “full extent” of the project objectives. 5-39

Additionally, the DEIR’s analysis of the “no build” alternative contains a section discussing “Relationship to Project Objectives and Feasibility” (DEIR, 5-5), yet the DEIR does not contain this section or discussion for the other three alternatives. This information should be provided in a revised EIR in order to provide the public and decision makers with information necessary to evaluation the Project alternatives. 5-40

To facilitate the City’s decision process over which alternative is preferable, the DEIR’s alternatives analysis must be revised to discuss and analyze the air quality and greenhouse gas emissions of each alternative, and must provide substantial evidence supporting its conclusions regarding the environmental impacts and feasibility of each alternative. 5-41

**2. The City Does Not Analyze a Reasonable Range of Alternatives.**

Since alternative 1 and 4 are dismissed as infeasible, and alternative 3 does not reduce or avoid significant environmental impacts, the DEIR has essentially provided no alternatives. By failing to mention, discuss, or analyze any feasible alternatives that would reduce or avoid significant environmental impacts, the DEIR failed to satisfy the information purpose of CEQA, 5-42

An EIR is legally inadequate if it contains an overly narrow range of alternatives in light of the nature of the project and its environmental effects. *Watsonville Pilots Ass’n v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1087. The DEIR is inadequate because it entirely fails to mention, let alone analyze, a reduced project-size alternative or an off-site alternative.

Perhaps the most obvious alternative missing is a limited-Project alternative. In *Watsonville Pilots Ass’n v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, the EIR for a new city general plan included two alternatives with the same level of increased



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development as the proposed plan, but did not consider any reduced development alternatives. Recognizing that the project's environmental impacts would stem largely from growth associated with the project, the court found that the EIR was fatally flawed because it did not include a reduced development alternative that would provide information about how most project objectives could be satisfied without the level of environmental impacts that would result from the project. *Id.* at 1087.

Here, as in *Watsonville*, the DEIR is flawed because it does not consider a reduced-Project alternative. The Reduced Office/Business Park Development is dismissed because it does not meet industrial needs, but no reduced-industrial option is even mentioned. A limited development alternative should have been analyzed. Such an alternative would reduce, and potentially avoid significant environmental impacts. For example, since the significance threshold for GHG impacts is 25% of the proposed Project impacts, if the proposed Project was reduced to 25%, the significant impact would be avoided. No analysis was provided for any reduction in project size, and no analysis was provided that demonstrates that a project size reduction of 75% would be infeasible. A reduce-Project alternative would meet all of the Project objectives and would have reduced impacts compared to the proposed Project.

5-42  
 cont.

It is particularly troubling that the one reduced-development alternative that was considered, the Reduce Office/Business Park alternative, was dismissed because it did not meet the Project objective of providing industrial warehouse space. Yet, the DEIR never discusses the alternative of a reduced-development alternative that includes industrial warehouse space, such as a reduced-Project alternative

Additionally, the DEIR entirely fails to mention an alternative location for the proposed Project. It is well-established that off-site alternatives should be considered under CEQA. As the Supreme Court has explained, an EIR is required to explain in detail why various alternatives were deemed infeasible, and should explore the potential to locate the project somewhere other than proposed. (*Laurel Heights I*, 47 Cal.3d at 404-406; *Goleta Valley*, 197 Cal.App.3d 1180-81.) This is particularly true when a project proposes to change a site's land use designation. "A proposed change in allowed uses raises policy question of whether the site is appropriate for the new use. Resolution of this question depends on a comparison of the advantages and disadvantages of the site with other sites that are or could be designated for the same use." (Practice Under the California Environmental Quality Act, 2nd ed., Kostka & Zischke, 759-760.)

5-43

Here, the DEIR should consider an alternative location that is not within 1,000 feet of sensitive receptors. The California Air Resources Board ("CARB") recommends avoiding siting of distribution centers that accommodate more than 100 trucks per day within 1,000 feet of sensitive land uses, such as residences. (Air Quality and Land Use Handbook: A Community Health Perspective ["CARB Handbook"], California Air Resources Board, April 2005, 4.) This recommendation is based on CARB's estimate that an 80 percent drop-off in pollutant concentrations occurs at approximately 1,000

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feet from a distribution center. (CARB Handbook, 6.) In contrast to the recommendations of CARB, the proposed Project is sited only 150 feet from sensitive receptors. (DEIR, 4.2.2-6.) The DEIR should consider an alternative site for the proposed Project that is more than 1,000 feet from sensitive receptors in order to greatly mitigate and potentially avoid these impacts to sensitive receptors.

5-43  
 cont.

Discussion of a reduced-development alternative and an off-site alternative would provide meaningful information to the City decision-makers and the public regarding whether to approve the Project or an alternative. By failing to even mention, let alone analyze, these alternatives, the DEIR violates CEQA. The DEIR should be revised to discuss at least two reduced industrial alternatives and an alternative location that is not within 1000 feet of sensitive receptors.

5-44

**F. CEQA Requires the DEIR Include Additional Feasible Mitigation Measures to Further Reduce The Project’s Significant Air Quality and Greenhouse Gas Impacts.**

An agency may adopt a statement of overriding considerations only *after* it has imposed all feasible mitigation measures to reduce a project’s impact to less than significant levels. CEQA Guidelines §§ 15126.4, 15091. CEQA prohibits agencies from approving projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts. Pub. Res. Code § 21002. As explained in CEQA Guidelines section 15092(b)(2), an agency is prohibited from approving a project unless it has “[e]liminated or substantially lessened all significant effects on the environment where feasible.”

5-45

The City’s conclusion that the DEIR includes all feasible mitigation measures is not based on substantial evidence. To the contrary, there are many additional feasible mitigation measures that should be required to reduce the Project’s GHG impacts. These measures should either be required for the Project, or specific findings should be made explaining why each is infeasible.

The DEIR states that the Project’s direct and cumulative emissions of NOx, ROGs, PM10, PM2.5, and GHGs will remain significant after the identified mitigation measures are implemented. (DEIR, ES-10 -12; ES-25-30.) As a result, the EIR must require all feasible mitigations to reduce these impacts.

Additional mitigation measures are available that are not included by the City. The measures include the following, which are feasible, having been applied at other warehouse facilities (See *Coalition for Clean Air v. VWR Int’l LLC*, Consent Decree, attached as Exhibit D.):

5-46

- Make electric vehicle charging stations available to employees and the public
- Maintain an emergency generator operated by natural gas and include a catalytic converter.

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- Ninety percent of the truck carriers contracted to service the Project by VWR shall be Environmental Protection Agency SmartWay partners,
- Utilize energy efficient interior lighting, i.e. light-emitting diodes ("LED"), and T5 and T8 fluorescent lamps, provided, however, that this order shall not prohibit VWR from incorporating new or different lighting technology that is at least as efficient.
- Utilize energy efficient exterior lighting i.e. light-emitting diodes ("LED"), and T5 and T8 fluorescent lamps, provided, however, that this order shall not prohibit VWR from incorporating new or different lighting technology that is at least as efficient.
- The air conditioning system for the management offices at the project shall use non-chlorofluorocarbon refrigerant.
- Cooling for the main warehouse spaces at the Project shall be provided through evaporative coolers rather than air conditioners, provide, however, that this order shall not prohibit VWR from incorporating new or different cooling technology that is at least as efficient.
- The warehouse space at the Project shall incorporate automated airflow and ventilation systems designed to minimize need for supplemental heating and cooling within the warehouse space.
- Forklifts and interior vehicles at the Project shall be electric powered.
- The Project shall use a building automation system to control and optimize the efficiently of its mechanical systems, including lighting, HVAC, exhaust dampers, fans, and ventilation louvers.
- Interior lights shall incorporate motion sensors that turn them off when not in use.
- The Project shall incorporate a light colored "cool roof" membrane to reduce surface temperature, heat island effect, and heat transfer to the interior of the structures.
- The landscape design and irrigation system shall be in compliance with LEED Silver certification standards to reduce water consumption.
- The warehouses shall incorporate water-efficient building design with water efficient fixtures and appliances meeting LEED Silver certification standards
- The Project shall have an operational recycling program covering paper, corrugated cardboard, glass, plastic, and metals.
- A bicycle rack shall be provided at the Project for employees who wish to bicycle commute.
- Five (5) premium car/vanpool spaces shall be provided at the Project.

5-46  
cont.

Additional feasible mitigation measures that would assist in assuring the Project's air quality pollution and greenhouse gas emissions are lessened can be found in the guidance document issued by the California Attorney General: Addressing Climate Change at the Project Level, a copy of which is attached hereto as Exhibit E. Some of the feasible mitigation measures list includes installing solar panels on unused roofs and

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ground space and over carports and parking areas, as well as including energy storage to optimize renewable energy generation systems and avoid peak energy use. 5-46 cont.

In addition, the Attorney General guidance document provides that “[i]f, after analyzing and requiring all reasonable and feasible on-site mitigation measure for avoiding or reducing greenhouse gas-related impacts, the lead agency determinates that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase verifiable carbon “credits” from another entity that will undertake mitigation.” (Addressing Climate Change at the Project Level, California Attorney General 2010, p. 17.) 5-47

Finally, the GHG emissions associated with the Project will be generated by mobile sources. (DEIR, 4.2.6-25.) The City dismisses the ability to mitigate any of these emissions by finding that “[a]s the mobile GHG emissions are directly correlated with the amount of annual truck trips and mileage traveled by the trucks associated with the proposed industrial warehouses during operations, no feasible mitigation measure is available to reduce these GHG emissions.” (*Id.*) 5-48

The San Joaquin Valley Air Pollution District (“SJVAPD”) implemented the Indirect Source Review (“ISR”) rule, Rule 9510, in 2006, which requires developers of larger residential, commercial, and industrial projects in the San Joaquin Valley Air Pollution Control District to reduce smog-forming and particulate emissions generated by their projects.<sup>11</sup> Specifically, Rule 9510 Requires:

- 6.1 Construction Equipment Emissions
  - 6.1.1 The exhaust emissions from construction equipment greater than fifty (50) horsepower used or associated with the development project shall be reduced by the following amounts from the statewide average as estimated by ARB:
    - 6.1.1.1 - 20% of the total NOx emissions, and
    - 6.1.1.2 - 45% of the total PM10 exhaust emissions
  - 6.1.2 An applicant may reduce construction emissions on-site by using less-polluting equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment.
- 6.2 Operational Emissions
  - 6.2.1 NOx Emissions
    - Applicants shall reduce 33.3% of the project’s operational baseline NOx emissions over a period of ten years as quantified in the approved Air Impact Assessment.
  - 6.2.2 PM 10 Emissions

<sup>11</sup> [www.valleyair.org/ISR/ISRHome.htm](http://www.valleyair.org/ISR/ISRHome.htm)

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- Applicants shall reduce of 50% of the project's operational baseline PM 10 emissions over a period of ten years as quantified in the approved Air Impact Assessment.
- 6.3 The requirements listed in Sections 6.1 and 6.2 above can be met through any combination of on-site emissions reduction measures or off-site fees.

5-49  
 cont.

Accompanying Rule 9510, the SJVAPD has provides a list of on and off-site mitigation measures to reduce indirect source emissions such as these. These mitigation measures are attached hereto as Exhibit F. These measures are feasible, as they are routinely required in projects in the San Joaquin Valley Air Pollution Control District. The City should require the Applicant to meet the requirements of Rule 9510 requirements, through either on-site emissions reduction measures or off-site fees.

A supplemental EIR should be prepared that calculates the Project's GHG and air quality emissions after implementation of all feasible mitigation measures. The supplemental EIR should analyze all mitigation measures set forth in the GHG Guidance Document published by the California Attorney General, Addressing Climate Change at the Project Level (see attached exhibit<sup>12</sup>), as well as the mitigation measures in the *Coalition for Clean Air v. VWR Int'l LLC*, Consent Decree (Exhibit D). If impacts remain significant after implementation of all feasible mitigation measures on site, off-site mitigation should be required, as recommended by the Attorney General.

5-50

Until each of the above mitigation measures a are incorporated as enforceable measures into the Project approval, the City will not be in a position to make a finding of overriding considerations for the Project's air quality and GHG emissions.

**VI. THE CITY SHOULD PREPARE AND RECIRCULATE A REVISED DEIR.**

Recirculation of an EIR prior to certification is required "when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal. App. 3d 1043; CEQA Guidelines § 15088.5(a).

5-51

Recirculation is required where "significant new information" has been added to an EIR. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*

<sup>12</sup>Also available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf).

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(2007) 40 Cal.4th 412, 447. New information is "significant" where it results in a change to the EIR's analysis or mitigation of a substantial adverse environmental effect. *Id.* Here, the DEIR must be revised to address the many deficiencies identified above.

5-51  
 cont.

Unless the DEIR is revised to address these deficiencies and unless that DEIR is recirculated for further public review, the public and decision makers will be deprived of an opportunity for full input and informed decision making.

## VII. CONCLUSION

LIUNA Local Union No. 783 believes the West Valley Logistics Center Specific is wholly inadequate and requires significant revision, recirculation and review. Moreover, LIUNA believes that the Project as proposed would result in too many unmitigated adverse impacts on the environment to be justified. Given the significant greenhouse gas and air quality problems facing the city and the State, and given that there is no evidence provided that an additional 3 million square feet of industrial space is needed, LIUNA believes the proposed Project should be reconsidered.

5-52

Please include this letter and all accompanying exhibits in the record of proceedings for this Project. Both these comments and the enclosed expert comments include documents available from the Internet. Where possible, the comments have included a citation to a specific Web page containing the cited document.

5-53

Thank you for your attention to these comments.

Sincerely,




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Richard Drury  
 Rebecca L. Davis  
 Lozeau Drury LLP

# EXHIBIT A

## Average Annual Emissions and Fuel Consumption for Gasoline-Fueled Passenger Cars and Light Trucks

The amount of pollution that a vehicle emits and the rate at which it consumes fuel are dependent on many factors. The U.S. Environmental Protection Agency (EPA) has developed a series of computer models that estimate the average emissions for different types of highway vehicles. This fact sheet is one of a series on highway vehicle emission factors. It presents average annual emissions and fuel consumption for gasoline-fueled light-duty vehicles (passenger cars) and light-duty trucks (pickup trucks, sport-utility vehicles, and the like).

### Introduction

There are a number of factors that affect the rate at which any vehicle emits air pollutants. Some of the most important are:

- vehicle type/size (passenger cars, light-duty trucks, heavy-duty trucks, urban and school buses, motorcycles)
- vehicle age and accumulated mileage
- fuel used (gasoline, diesel, others)
- ambient weather conditions (temperature, precipitation, wind)
- maintenance condition of the vehicle (well maintained, in need of maintenance, presence and condition of pollution control equipment)
- how the vehicle is driven (e.g., long cruising at highway speeds, stop-and-go urban congestion, typical urban mixed driving)



Office of Transportation and Air Quality  
EPA420-F-08-024  
October 2008



The most current version of the computer model that EPA uses to estimate average in-use emissions from highway vehicles is MOBILE6.2. EPA, the States, and others use this model to estimate total emissions of pollutants generated by highway vehicles in various geographic areas and over specific time periods. The emission rates or “emission factors” presented in this fact sheet are based on national average data representing the in-use fleet as of July 2008.

The emission rates for hydrocarbons (both volatile organic compounds [VOCs] and total hydrocarbons [THC]), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) are presented in the following tables. The hydrocarbon (HC) numbers include both tailpipe and evaporative emissions, whereas the rates for the other pollutants are for tailpipe emissions only.

The emission rates assume an average, properly maintained vehicle, operating on typical gasoline on a warm summer day. Emission rates can be higher in very hot weather (especially HC) or very cold weather (especially CO).

National average values are used for registration distributions by age (what fraction of all vehicles of each specific type, in use today, are of the current model year, one to two years old, two to three years old, and so forth up to 25 years old) and annual mileage accumulation rates by age (newer vehicles tend to be driven more miles per year than do older vehicles). Some of the other primary assumptions incorporated in these emission factors are:

**Abbreviations and Acronyms Used**

<b>CO:</b>	Carbon monoxide; a regulated pollutant
<b>CO<sub>2</sub>:</b>	Carbon dioxide; the primary byproduct of all fossil fuel combustion
<b>FTP:</b>	Federal Test Procedure; the primary test used in certifying vehicle compliance with emission standards
<b>g:</b>	gram(s)
<b>g/mi:</b>	grams per mile
<b>GHG:</b>	Greenhouse gas or gases, such as CO <sub>2</sub> , that accumulate in the atmosphere and contributes to potential climate change
<b>HC:</b>	Hydrocarbons; molecules formed of hydrogen and carbon that constitute gasoline, diesel, and other petroleum-based fuels; a regulated pollutant
<b>lb:</b>	pound
<b>NO<sub>x</sub>:</b>	Nitrogen oxides; a regulated pollutant
<b>PM<sub>10</sub>:</b>	Particulate matter under 10 microns diameter; a regulated pollutant
<b>PM<sub>2.5</sub>:</b>	Particulate matter under 2.5 microns diameter, sometimes referred to as “fine particulate”
<b>ppm:</b>	parts per million
<b>psi:</b>	pounds per square inch
<b>RVP:</b>	Reid vapor pressure; a standardized method for expressing the volatility, or tendency to evaporate, of gasoline
<b>SUV:</b>	Sport-utility vehicle; a subset of all light-duty trucks; examples include most Daimler-Chrysler Jeep models, Ford Escape, Ford Explorer, GMC Yukon, etc.
<b>THC:</b>	Total hydrocarbons
<b>VMT:</b>	Vehicle miles traveled
<b>VOC:</b>	Volatile organic compounds; equivalent to THC plus aldehydes minus both methane and ethane

- Ambient temperature: 72 to 92 °F day time range
- Nominal gasoline volatility: 9.0 psi RVP
- Weathered fuel volatility: 8.6 psi RVP
- Gasoline sulfur content: 30 ppm
- Average speed: 27.6 miles per hour
- I/M program: No
- Reformulated gasoline: No

These calculations are based on average annual passenger car mileage of 12,000 miles and average annual light-duty truck mileage of 15,000 miles. Fuel consumption is based on the estimated average in-use fuel economy: 24.1 miles per gallon (mpg) for passenger cars and 17.3 mpg for light trucks. These values are also from the MOBILE6.2 model.

These emission factors and fuel consumption rates are for gasoline-fueled passenger cars and light-duty trucks only. Diesel cars represent less than 0.5 percent of all cars on the road in the United States as of 2005, and diesel light trucks represent less than 2 percent of all light-duty trucks on the road. In general, diesel vehicles (relative to gasoline vehicles of similar size and age) will have lower emissions of HC and CO, and higher emissions of NO<sub>x</sub> and particulate matter. Diesel fuel economy tends to be better than that of similar gasoline-fueled vehicles, meaning total fuel consumption and CO<sub>2</sub> emissions per vehicle per year tend to be lower.

### Changes from Previous Versions of this Fact Sheet

The emission factors presented below are not directly comparable to those used in previous versions of this fact sheet due to the extensive changes made to the MOBILE model in order to better represent real-world driving. In earlier versions, the emission factors were based on an average travel speed of 19.6 miles per hour (mph). This is the average speed of the Federal Test Procedure (FTP), which is the basis for certification of new vehicles to applicable emission standards. The FTP is considered to be reasonably representative of overall traffic in urbanized areas; it includes stops and starts, idling time, accelerations and decelerations, and short cruising stretches. However, it does not include any acceleration or deceleration rates greater than 3.4 mph per second (mph/s), nor does it include any travel at speeds greater than 60 mph.

The emission factors produced by MOBILE6.2 are based on national average data on the fraction of total vehicle miles traveled (VMT) accrued on each of four major roadway types, and national average traffic speeds associated with each of these facility types. The four roadway types are limited access highways (freeways, expressways), ramps (entrance and exit ramps to and from limited access highways), arterials (primary surface roadways), and local and collector roads (local streets and minor surface roadways).

These emission factors account for the fact that a single value of average speed is not adequate for the characterization of real-world driving patterns. For example, driving patterns associated with an average speed of 40 mph on a limited access highway are not the same as driving patterns associated with an average speed of 40 mph on an arterial route; in the first case, 40 mph implies heavy traffic with some congestion and varying speeds, while in the latter case 40 mph represents near free-flow conditions. The emission factors developed for the four roadway types

include much sharper acceleration and deceleration rates (up to 6.9 mph/s), which result in significantly higher emission rates for short periods of time, and higher maximum speeds (up to 75 mph on limited access highways).

Thus, these emission factors differ from those that would have been estimated using previous versions of the MOBILE model, which assumed a single driving pattern with an average speed of 19.6 mph, no accelerations or decelerations exceeding 3.4 mph/s, and no driving over 60 mph. These newer emission factors are much closer to being representative of observed real world driving patterns and speeds, and thus more accurately represent emissions in use.

**Average Emissions and Fuel Consumption for Passenger Cars\***

<b>Pollutant/Fuel</b>	<b>Emission &amp; Fuel Consumption Rates (per mile driven)</b>	<b>Calculation</b>	<b>Annual Emission &amp; Fuel Consumption</b>
VOC	1.034 grams (g)	$(1.034 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	27.33 lb
THC	1.077 g	$(1.077 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	28.47 lb
CO	9.400 g	$(9.400 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	248.46 lb
NOx	0.693 g	$(0.693 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	18.32 lb
PM <sub>10</sub>	0.0044 g	$(0.0044 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	0.12 lb
PM <sub>2.5</sub>	0.0041 g	$(0.0041 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	0.11 lb
CO <sub>2</sub>	368.4 g	$(368.4 \text{ g/mi}) \times (12,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	9,737.44 lb
Gasoline Consumption	0.04149 gallons (gal)	$(12,000 \text{ mi/yr}) / (24.1 \text{ mi/gal})$	497.93 gal

\*See Endnotes

**Average Emissions and Fuel Consumption for Light-Duty Trucks\***  
(most pick-uptrucks, SUVs, etc.)

<b>Pollutant/Fuel</b>	<b>Emission &amp; Fuel Consumption Rates (per mile driven)</b>	<b>Calculation</b>	<b>Annual Emission &amp; Fuel Consumption</b>
VOC	1.224 grams (g)	$(1.224 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	32.35 lb
THC	1.289 g	$(1.289 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	34.07 lb
CO	11.84 g	$(11.84 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	312.95 lb
NOx	0.95 g	$(0.95 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	25.11 lb
PM <sub>10</sub>	0.0049 g	$(0.0049 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	0.13 lb
PM <sub>2.5</sub>	0.0045 g	$(0.0045 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	0.12 lb
CO <sub>2</sub>	513.5 g	$(513.5 \text{ g/mi}) \times (15,000 \text{ mi/yr}) \times (1 \text{ lb}/454 \text{ g})$	13,572.69 lb
Gasoline Consumption	0.05780 gallons (gal)	$(15,000 \text{ mi/yr}) / (17.3 \text{ mi/gal})$	693.64 gal

\*See Endnotes

**For More Information**

The other fact sheets in this series and additional information are available on the Office of Transportation and Air Quality's Web site at:

Emission factor fact sheets: [www.epa.gov/otaq/consumer.htm](http://www.epa.gov/otaq/consumer.htm)

Modeling and estimating vehicle emissions: [www.epa.gov/otaq/models.htm](http://www.epa.gov/otaq/models.htm)

Fuel economy: [www.epa.gov/fueleconomy](http://www.epa.gov/fueleconomy)  
[www.fueleconomy.gov](http://www.fueleconomy.gov)

Improving fuel economy and reducing emissions: [www.epa.gov/epahome/trans.htm](http://www.epa.gov/epahome/trans.htm)  
[www.fueleconomy.gov/feg/drive.shtml](http://www.fueleconomy.gov/feg/drive.shtml)

Finding the "greenest" vehicle: [www.epa.gov/greenvehicles](http://www.epa.gov/greenvehicles)

Emission Facts

### Endnotes

1. Figures presented above are averages only. Individual vehicles can differ substantially in terms of both annual miles traveled and pollution emitted per mile from values indicated here. Values shown may differ slightly from original sources due to rounding.
2. These emission factors and fuel consumption rates are averages for the entire in-use fleet as of July 2008. Newer vehicles generally emit less pollution and use less gasoline, while older vehicles generally emit more pollution and use more gasoline. This is due to several factors, including the increasing stringency of emission standards over time and the deterioration (degradation) in the performance of emission control technology (e.g., catalytic converters) with increasing age and accumulated mileage.
3. Carbon dioxide (CO<sub>2</sub>), while not regulated as an air pollutant, is the transportation sector's primary contribution to climate change. Carbon dioxide emissions are essentially proportional to fuel consumption (and inversely proportional to fuel economy) – each 1% increase in fuel consumption results in a corresponding 1% increase in carbon dioxide emissions. About 19.4 lb CO<sub>2</sub> is produced for every gallon of gasoline combusted. Passenger cars and light-duty trucks also emit small amounts of other greenhouse gases (GHGs); thus, total GHG emissions from these vehicles are slightly greater than the CO<sub>2</sub> emission totals shown in this fact sheet.
4. All of the emission estimates provided in this document are consistent, in terms of assumptions made and modeling methodology, with those provided in the other fact sheets in this series: "Idling Vehicle Emissions" (EPA420-F-08-025), "Average In-Use Emission Factors for Urban Buses and School Buses" (EPA420-F-08-026), and "Average In-Use Emissions from Heavy-Duty Trucks" (EPA420-F-08-027).

# EXHIBIT B

## Average In-Use Emissions from Heavy-Duty Trucks

The amount of pollution that a vehicle emits is dependent on many factors. The U.S. Environmental Protection Agency (EPA) has developed a series of computer models that estimate the average emissions for different types of highway vehicles. This fact sheet is one of a series on highway vehicle emission factors. It presents average emission rates for gasoline-fueled and diesel heavy-duty vehicles.

### Introduction

There are a number of factors that affect the rate at which any vehicle emits air pollutants. Some of the most important are:

- vehicle type/size (passenger cars, light-duty trucks, heavy-duty trucks, urban and school buses, motorcycles)
- vehicle age and accumulated mileage
- fuel used (gasoline, diesel, others)
- ambient weather conditions (temperature, precipitation, wind)
- maintenance condition of the vehicle (well maintained, in need of maintenance, presence and condition of pollution control equipment)
- type of driving (e.g., long cruising at highway speeds, stop-and-go urban congestion, typical urban mixed driving)

The most current version of the computer model that EPA uses to estimate average in-use emissions from highway vehicles is MOBILE6.2. EPA, the States, and others use this model to estimate total emissions of pollutants generated by highway vehicles in various geographic areas and over specific time periods. The emission rates (or “emission factors”) presented for gasoline-fueled and diesel heavy-duty trucks in this fact sheet are based on national average data representing the in-use fleet as of July 2008. These estimates are suitable for use in obtaining first-order approximations of vehicle emissions.

The emission rates (or “emission factors”) for hydrocarbons (both volatile organic compounds [VOCs] and total hydrocarbons [THC]), carbon monoxide (CO), nitrogen oxides (NOx), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) are presented in the following tables. The hydrocarbon numbers include both tailpipe and evaporative emissions, whereas the rates for the other pollutants are for tailpipe emissions only.

The emission rates assume an average, properly maintained heavy-duty truck operating on typical gasoline or diesel fuel on a warm summer day. Emission rates can be higher in very hot weather (especially HC) or very cold weather (especially CO).

The emission factors produced by MOBILE6.2 are based on the fraction of total vehicle miles traveled (VMT) accrued on each of four major roadway types, and national average traffic speeds associated with each of these facility types. The four roadway types are:

- limited access highways (freeways, expressways)
- ramps (entrance and exit ramps to and from limited access highways)
- arterials (primary surface roadways)
- local and collector roads (local streets and minor surface roadways)

These emission rates account for the fact that a single value of average speed is not adequate for the characterization of real-world driving patterns. For example, driving patterns associated with an average speed of 40 miles per hour (mph) on a limited access highway are not the same as driving patterns associated with an average speed of 40 mph on an arterial route; in the first case, 40 mph implies heavy traffic with some

### Abbreviations and Acronyms Used

<b>CO:</b>	Carbon monoxide; a regulated pollutant
<b>g/bhp-hr:</b>	grams per brake horsepower-hour; the unit used in establishing emission standards and measuring emissions from heavy-duty engines
<b>g/mi:</b>	grams per mile; a standard form of expressing highway vehicle emission rates
<b>GVW:</b>	Gross vehicle weight
<b>HC:</b>	Hydrocarbons; molecules formed of hydrogen and carbon that constitute gasoline, diesel, and other petroleum-based fuels; a regulated pollutant
<b>HDDV:</b>	Heavy-duty diesel vehicle
<b>HDGV:</b>	Heavy-duty gasoline-fueled vehicle
<b>NOx:</b>	Nitrogen oxides; a regulated pollutant
<b>PM<sub>10</sub>:</b>	Particulate matter under 10 microns diameter; a regulated pollutant
<b>PM<sub>2.5</sub>:</b>	Particulate matter under 2.5 microns diameter, sometimes referred to “fine particulate”
<b>ppm:</b>	parts per million
<b>psi:</b>	pounds per square inch
<b>RVP:</b>	Reid vapor pressure; a standardized method for expressing the volatility, or tendency to evaporate, of gasoline
<b>THC:</b>	Total hydrocarbons including methane
<b>VMT:</b>	Vehicle miles traveled
<b>VOC:</b>	Volatile Organic Compounds; equivalent to THC <u>plus</u> aldehydes <u>minus both</u> methane and ethane



congestion and varying speeds, while in the latter case 40 mph represents near free-flow conditions. The emission factors developed for the four roadway types include hard acceleration and deceleration rates (up to 6.9 mph/second), which result in significantly higher emission rates for short periods of time, and maximum speeds up to 75 mph for parts of the limited access highway driving patterns.

National average values are used for registration distributions by age (what fraction of all vehicles of each specific type, in use today, are of the current model year, one to two years old, two to three years old, and so forth up to 25 years old) and annual mileage accumulation rates by age (newer vehicles tend to be driven more miles per year than do older vehicles) and by gross vehicle weight (GVW) class. Some of the other primary assumptions made in developing these emission factors are:

- Ambient temperature: 72 to 92 °F day time range
- Nominal gasoline volatility: 9.0 psi RVP
- Weathered fuel volatility: 8.6 psi RVP
- Gasoline sulfur content: 30 ppm
- Diesel fuel sulfur content: 11 ppm
- I/M program: No
- Reformulated gasoline: No

To estimate in-use emission rates from heavy-duty trucks, the emission rates from heavy-duty engines, expressed and regulated in terms of grams per brake horsepower-hour (g/bhp-hr), must be converted to units of grams per mile (g/mi). Heavy-duty engine emission standards are stated in g/bhp-hr to account for the fact that the same engines may be used in a wide range of final vehicle applications. The work performed by a heavy-duty engine installed in a truck of GVW Class III, for example, is much less than the work that engine would be required to do if installed in a truck of GVW Class VII.

This conversion, from mass pollutant emitted per unit work to mass pollutant emitted per unit distance traveled, is performed in MOBILE6.2 through the use of “conversion factors” that express the average amount of work required to move a given heavy-duty truck over one mile (brake horsepower-hour per mile, or bhp-hr/mi).

### Average In-use Emission Rates for Heavy-Duty Trucks

Table 1 presents emission rates for gasoline-fueled and diesel-powered heavy-duty trucks that are averages for the entire in-use fleet as of July 2008. Heavy-duty trucks are vehicles that are greater than 8,500 lb gross vehicle weight and are equipped with heavy-duty engines, a distinct category under EPA’s highway vehicle pollution control regulations. The heaviest trucks (heavy-duty diesel trucks in GVW classes VIIIa and VIIIb) are used mostly for the interstate transport of goods, and in some cases accumulate more than 250,000 miles annually. Those trucks at the lighter end of the heavy-duty vehicle category (gasoline-fueled and diesel trucks in GVW Classes III-V) are used more in short-haul applications, and generally average under 30,000 miles annually. The overall average emission factors presented for each category are weighted to account for the distribution of vehicles across the different weight classes.

**Table 1: Average In-Use Emission Rates for Heavy-Duty Vehicles\***  
(in grams per mile)

<b>Pollutant</b>	<b>HDGV (gasoline)</b>	<b>HDDV (diesel)</b>
VOC	1.586	0.447
THC	1.635	0.453
CO	13.130	2.311
NO <sub>x</sub>	2.914	8.613
PM <sub>2.5</sub>	0.044	0.202
PM <sub>10</sub>	0.051	0.219

\* See Endnotes

Table 2 presents average in-use emission rates for heavy-duty gasoline trucks and heavy-duty diesel trucks, separated by various weight classes. The GVW weight classes are:

<b>Heavy-Duty Vehicle Classifications</b> (Gross Vehicle Weight Rating)	
<b>IIb:</b>	8,501-10,000 lb (e.g., full-size pick-up trucks, very large passenger vans)
<b>III:</b>	10,001-14,000 lb (e.g., panel trucks, small enclosed delivery trucks)
<b>IV:</b>	14,001-16,000 lb (e.g., city delivery trucks, rental trucks)
<b>V:</b>	16,001-19,500 lb (e.g., bucket utility trucks, large walk-in delivery trucks)
<b>VI:</b>	19,501-26,000 lb (e.g., rack trucks, single axle vans)
<b>VII:</b>	26,001-33,000 lb (e.g., tow truck, garbage collection trucks)
<b>VIIIa:</b>	33,001-60,000 lb (e.g., long-haul semi-tractor trailer rigs)
<b>VIIIb:</b>	> 60,000 lb (e.g., double long-haul semi-tractor trailer rigs)

**Table 2: Average Heavy-Duty Truck Emission Rates by GVW Class\***  
(in grams per mile)

Pollutant	Fuel	IIb	III	IV	V	VI	VII	VIIIa	VIIIb
VOC	gas	1.353	1.667	4.234	2.632	2.477	2.857	3.628	(1)
	diesel	0.189	0.201	0.262	0.274	0.365	0.453	0.455	0.545
	gas	1.400	1.713	4.319	2.693	2.535	2.920	3.704	(1)
	diesel	0.194	0.204	0.266	0.278	0.370	0.459	0.461	0.552
CO	gas	11.220	15.810	33.860	19.580	18.130	23.130	28.560	(1)
	diesel	0.839	0.908	1.163	1.189	1.367	1.719	2.395	3.109
NOx	gas	2.734	2.920	4.133	3.735	3.650	4.199	4.892	(1)
	diesel	3.088	3.298	4.352	4.548	5.990	7.471	9.191	10.990
PM2.5	gas	0.043	0.045	0.058	0.046	0.045	0.046	0.049	(1)
	diesel	0.091	0.073	0.089	0.079	0.172	0.177	0.215	0.238
PM10	gas	0.049	0.051	0.074	0.055	0.054	0.056	0.061	(1)
	diesel	0.099	0.079	0.096	0.085	0.186	0.192	0.233	0.259

(1) There are no gasoline-fueled heavy trucks in this weight category.

\* See Endnotes

### For More Information

The other fact sheets in this series and additional information are available on the Office of Transportation and Air Quality's Web site at:

Emission factor fact sheets: [www.epa.gov/otaq/consumer.htm](http://www.epa.gov/otaq/consumer.htm)

Modeling and estimating vehicle emissions: [www.epa.gov/otaq/models.htm](http://www.epa.gov/otaq/models.htm)

Converting heavy-duty engine emission rates to in-use heavy-duty truck emission rates:

[www.epa.gov/otaq/models/mobile6/r02006.pdf](http://www.epa.gov/otaq/models/mobile6/r02006.pdf)

[www.epa.gov/otaq/models/mobile6/r02005.pdf](http://www.epa.gov/otaq/models/mobile6/r02005.pdf)

### Endnotes

1. Figures presented in this document are averages only. Individual trucks may differ substantially in terms of pollution emitted per mile from values indicated here. Values may differ slightly from original sources due to rounding.

2. These emission factors are averages for the entire in-use fleet as of July 2008. Newer trucks generally will have lower emissions, as they are built to comply with more stringent emission standards and have not yet accumulated high odometer mileages, while older trucks generally

Emission Facts

will have higher emissions, as they were built to comply with more lenient emission standards in effect for past years and generally have accumulated much higher odometer mileages.

3. All emission estimates provided in this fact sheet are consistent, in terms of assumptions made and modeling methodology, with those provided in the other fact sheets in this series: “Average Annual Emissions and Fuel Consumption for Gasoline-Fueled Passenger Cars and Light Trucks” (EPA420-F-08-024), “Idling Vehicle Emissions” (EPA420-F-08-025), and “Average In-Use Emission Factors for Urban Buses and School Buses” (EPA420-F-08-026).

# EXHIBIT C

## AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE



**April 2005**

California Environmental Protection Agency  
California Air Resources Board



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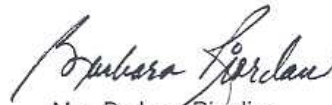
### ***To My Local Government Colleagues....***

I am pleased to introduce this informational guide to air quality and land use issues focused on community health. As a former county supervisor, I know from experience the complexity of local land use decisions. There are multiple factors to consider and balance. This document provides important public health information that we hope will be considered along with housing needs, economic development priorities, and other quality of life issues.

An important focus of this document is prevention. We hope the air quality information provided will help inform decision-makers about the benefits of avoiding certain siting situations. The overarching goal is to avoid placing people in harm's way. Recent studies have shown that public exposure to air pollution can be substantially elevated near freeways and certain other facilities. What is encouraging is that the health risk is greatly reduced with distance. For that reason, we have provided some general recommendations aimed at keeping appropriate distances between sources of air pollution and land uses such as residences.

Land use decisions are a local government responsibility. The Air Resources Board's role is advisory and these recommendations do not establish regulatory standards of any kind. However, we hope that the information in this document will be seriously considered by local elected officials and land use agencies. We also hope that this document will promote enhanced communication between land use agencies and local air pollution control agencies. We developed this document in close coordination with the California Air Pollution Control Officers Association with that goal in mind.

I hope you find this document both informative and useful.



Mrs. Barbara Riordian  
Interim Chairman  
California Air Resources Board



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### **Acknowledgments**

The ARB staff would like to acknowledge the exceptional contributions made to this document by members of the ARB Environmental Justice Stakeholders Group. Since 2001, ARB staff has consistently relied on this group to provide critical and constructive input on implementing the specifics of ARB's environmental justice policies and actions. The Stakeholders Group is convened by the ARB, and comprised of representatives from local land use and air agencies, community interest groups, environmental justice organizations, academia, and business. Their assistance and suggestions throughout the development of this Handbook have been invaluable.



### Executive Summary

The Air Resources Board's (ARB) primary goal in developing this document is to provide information that will help keep California's children and other vulnerable populations out of harm's way with respect to nearby sources of air pollution. Recent air pollution studies have shown an association between respiratory and other non-cancer health effects and proximity to high traffic roadways. Other studies have shown that diesel exhaust and other cancer-causing chemicals emitted from cars and trucks are responsible for much of the overall cancer risk from airborne toxics in California. Also, ARB community health risk assessments and regulatory programs have produced important air quality information about certain types of facilities that should be considered when siting new residences, schools, day care centers, playgrounds, and medical facilities (i.e., sensitive land uses). Sensitive land uses deserve special attention because children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the non-cancer effects of air pollution. There is also substantial evidence that children are more sensitive to cancer-causing chemicals.

Focusing attention on these siting situations is an important preventative action. ARB and local air districts have comprehensive efforts underway to address new and existing air pollution sources under their respective jurisdictions. The issue of siting is a local government function. As more data on the connection between proximity and health risk from air pollution become available, it is essential that air agencies share what we know with land use agencies. We hope this document will serve that purpose.

The first section provides ARB recommendations regarding the siting of new sensitive land uses near freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities. This list consists of the air pollution sources that we have evaluated from the standpoint of the proximity issue. It is based on available information and reflects ARB's primary areas of jurisdiction – mobile sources and toxic air contaminants. A key air pollutant common to many of these sources is particulate matter from diesel engines. Diesel particulate matter (diesel PM) is a carcinogen identified by ARB as a toxic air contaminant and contributes to particulate pollution statewide.

Reducing diesel particulate emissions is one of ARB's highest public health priorities and the focus of a comprehensive statewide control program that is reducing diesel PM emissions each year. ARB's long-term goal is to reduce diesel PM emissions 85% by 2020. However, cleaning up diesel engines will take time as new engine standards phase in and programs to accelerate fleet turnover or retrofit existing engines are implemented. Also, these efforts are reducing diesel particulate emissions on a statewide basis, but do not yet capture every site where diesel vehicles and engines may congregate. Because living or going to school too close to such air pollution sources may increase both cancer and non-cancer health risks, we are recommending that proximity be considered in the siting of new sensitive land uses.

There are also other key toxic air contaminants associated with specific types of facilities. Most of these are subject to stringent state and local air district regulations. However, what we know today indicates that keeping new homes and other sensitive land uses from siting too close to such facilities would provide additional health protection. Chrome platers are a prime example of facilities that should not be located near vulnerable communities because of the cancer health risks from exposure to the toxic material used during their operations.

In addition to source specific recommendations, we also encourage land use agencies to use their planning processes to ensure the appropriate separation of industrial facilities and sensitive land uses. While we provide some suggestions, how to best achieve that goal is a local issue. In the development of these guidelines, we received valuable input from local government about the spectrum of issues that must be considered in the land use planning process. This includes addressing housing and transportation needs, the benefits of urban infill, community economic development priorities, and other quality of life issues. All of these factors are important considerations. The recommendations in the Handbook need to be balanced with other State and local policies.

Our purpose with this document is to highlight the potential health impacts associated with proximity to air pollution sources so planners explicitly consider this issue in planning processes. We believe that with careful evaluation, infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level. One suggestion for achieving this goal is more communication between air agencies and land use planners. Local air districts are an important resource that should be consulted regarding sources of air pollution in their jurisdictions. ARB staff will also continue to provide updated technical information as it becomes available.

Our recommendations are as specific as possible given the nature of the available data. In some cases, like refineries, we suggest that the siting of new sensitive land uses should be avoided immediately downwind. However, we leave definition of the size of this area to local agencies based on facility specific considerations. Also, project design that would reduce air pollution exposure may be part of the picture and we encourage consultation with air agencies on this subject.

In developing the recommendations, our first consideration was the adequacy of the data available for an air pollution source category. Using that data, we assessed whether we could reasonably characterize the relative exposure and health risk from a proximity standpoint. That screening provided the list of air pollution sources that we were able to address with specific recommendations. We also considered the practical implications of making hard and fast recommendations where the potential impact area is large, emissions will be reduced with time, and air agencies are in the process of looking at options for additional emission control. In the end, we tailored our recommendations to minimize the highest exposures for each source category independently. Due to the large variability in relative risk in the source categories, we chose not to apply

a uniform, quantified risk threshold as is typically done in air quality permitting programs. Instead, because these guidelines are not regulatory or binding on local agencies, we took a more qualitative approach in developing the distance-based recommendations.

Where possible, we recommend a minimum separation between a new sensitive land use and known air pollution risks. In other cases, we acknowledge that the existing health risk is too high in a relatively large area, that air agencies are working to reduce that risk, and that in the meantime, we recommend keeping new sensitive land uses out of the highest exposure areas. However, it is critical to note that our implied identification of the high exposure areas for these sources does not mean that the risk in the remaining impact area is insignificant. Rather, we hope this document will bring further attention to the potential health risk throughout the impact area and help garner support for our ongoing efforts to reduce health risk associated with air pollution sources. Areas downwind of major ports, rail yards, and other inter-modal transportation facilities are prime examples.

We developed these recommendations as a means to share important public health information. The underlying data are publicly available and referenced in this document. We also describe our rationale and the factors considered in developing each recommendation, including data limitations and uncertainties. These recommendations are advisory and should not be interpreted as defined "buffer zones." We recognize the opportunity for more detailed site-specific analyses always exists, and that there is no "one size fits all" solution to land use planning.

As California continues to grow, we collectively have the opportunity to use all the information at hand to avoid siting scenarios that may pose a health risk. As part of ARB's focus on communities and children's health, we encourage land use agencies to apply these recommendations and work more closely with air agencies. We also hope that this document will help educate a wider audience about the value of preventative action to reduce environmental exposures to air pollution.





## 1. ARB Recommendations on Siting New Sensitive Land Uses

Protecting California's communities and our children from the health effects of air pollution is one of the most fundamental goals of state and local air pollution control programs. Our focus on children reflects their special vulnerability to the health impacts of air pollution. Other vulnerable populations include the elderly, pregnant women, and those with serious health problems affected by air pollution. With this document, we hope to more effectively engage local land use agencies as partners in our efforts to reduce health risk from air pollution in all California communities.

Later sections emphasize the need to strengthen the connection between air quality and land use in both planning and permitting processes. Because the siting process for many, but not all air pollution sources involves permitting by local air districts, there is an opportunity for interagency coordination where the proposed location might pose a problem. To enhance the evaluation process from a land use perspective, section 4 includes recommended project related questions to help screen for potential proximity related issues.

Unlike industrial and other stationary sources of air pollution, the siting of new homes or day care centers does not require an air quality permit. Because these situations fall outside the air quality permitting process, it is especially important that land use agencies be aware of potential air pollution impacts.

The following recommendations address the issue of siting "sensitive land uses" near specific sources of air pollution; namely:

- High traffic freeways and roads
- Distribution centers
- Rail yards
- Ports
- Refineries
- Chrome plating facilities
- Dry cleaners
- Large gas dispensing facilities

The recommendations for each category include a summary of key information and guidance on what to avoid from a public health perspective.

*Sensitive individuals refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (sensitive sites or sensitive land uses).*

We are characterizing sensitive land uses as simply as we can by using the example of residences, schools, day care centers, playgrounds, and medical facilities. However, a variety of facilities are encompassed. For example, residences can include houses, apartments, and senior living complexes. Medical facilities can include hospitals, convalescent homes, and health clinics. Playgrounds could be play areas associated with parks or community centers.

In developing these recommendations, ARB first considered the adequacy of the data available for each air pollution source category. We assessed whether we could generally characterize the relative exposure and health risk from a proximity standpoint. The documented non-cancer health risks include triggering of asthma attacks, heart attacks, and increases in daily mortality and hospitalization for heart and respiratory diseases. These health impacts are well documented in epidemiological studies, but less easy to quantify from a particular air pollution source. Therefore, the cancer health impacts are used in this document to provide a picture of relative risk. This screening process provided the list of source categories we were able to address with specific recommendations. In evaluating the available information, we also considered the practical implications of making hard and fast recommendations where the potential impact area is large, emissions will be reduced with time, and air agencies are in the process of looking at options for additional emission control. Due to the large variability in relative risk between the source categories, we chose not to apply a uniform, quantified risk threshold as is typically done in regulatory programs. Therefore, in the end, we tailored our recommendations to minimize the highest exposures for each source category independently. Additionally, because this guidance is not regulatory or binding on local agencies, we took a more qualitative approach to developing distance based recommendations.

Where possible, we recommend a minimum separation between new sensitive land uses and existing sources. However, this is not always possible, particularly where there is an elevated health risk over large geographical areas. Areas downwind of ports and rail yards are prime examples. In such cases, we recommend doing everything possible to avoid locating sensitive receptors within the highest risk zones. Concurrently, air agencies and others will be working to reduce the overall risk through controls and measures within their scope of authority.

The recommendations were developed from the standpoint of siting new sensitive land uses. Project-specific data for new and existing air pollution sources are available as part of the air quality permitting process. Where such information is available, it should be used. Our recommendations are designed to fill a gap where information about existing facilities may not be readily available. These recommendations are only guidelines and are not designed to substitute for more specific information if it exists.

A summary of our recommendations is shown in Table 1-1. The basis and references<sup>1</sup> supporting each of these recommendations, including health studies, air quality modeling and monitoring studies is discussed below beginning with freeways and summarized in Table 1-2. As new information becomes available, it will be included on ARB's community health web page.

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<sup>1</sup>Detailed information on these references are available on ARB's website at: <http://www.ARB.ca.gov/ch/landuse.htm>.

**Table 1-1**  
**Recommendations on Siting New Sensitive Land Uses**  
**Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical**  
**Facilities\***

Source Category	Advisory Recommendations
Freeways and High-Traffic Roads	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.</li> </ul>
Distribution Centers	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).</li> <li>• Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.</li> </ul>
Rail Yards	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard.</li> <li>• Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.</li> </ul>
Ports	<ul style="list-style-type: none"> <li>• Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.</li> </ul>
Refineries	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.</li> </ul>
Chrome Platers	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.</li> </ul>
Dry Cleaners Using Perchloroethylene	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district.</li> <li>• Do not site new sensitive land uses in the same building with perc dry cleaning operations.</li> </ul>
Gasoline Dispensing Facilities	<ul style="list-style-type: none"> <li>• Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.</li> </ul>

**\*Notes:**

- These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.

- Recommendations are based primarily on data showing that the air pollution exposures addressed here (i.e., localized) can be reduced as much as 80% with the recommended separation.
- The relative risk for these categories varies greatly (see Table 1-2). To determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in.
- These recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists. The recommended distances take into account other factors in addition to available health risk data (see individual category descriptions).
- Site-specific project design improvements may help reduce air pollution exposures and should also be considered when siting new sensitive land uses.
- This table does not imply that mixed residential and commercial development in general is incompatible. Rather it focuses on known problems like dry cleaners using perchloroethylene that can be addressed with reasonable preventative actions.
- A summary of the basis for the distance recommendations can be found in Table 1-2.

**Table 1-2  
Summary of Basis for Advisory Recommendations**

Source Category	Range of Relative Cancer Risk <sup>1,2</sup>	Summary of Basis for Advisory Recommendations
Freeways and High-Traffic Roads	300 – 1,700	<ul style="list-style-type: none"> <li>In traffic-related studies, the additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet.</li> </ul>
Distribution Centers <sup>3</sup>	Up to 500	<ul style="list-style-type: none"> <li>Because ARB regulations will restrict truck idling at distribution centers, transport refrigeration unit (TRU) operations are the largest onsite diesel PM emission source followed by truck travel in and out of distribution centers.</li> <li>Based on ARB and South Coast District emissions and modeling analyses, we estimate an 80 percent drop-off in pollutant concentrations at approximately 1,000 feet from a distribution center.</li> </ul>
Rail Yards	Up to 500	<ul style="list-style-type: none"> <li>The air quality modeling conducted for the Roseville Rail Yard Study predicted the highest impact is within 1,000 feet of the Yard, and is associated with service and maintenance activities. The next highest impact is between a half to one mile of the Yard, depending on wind direction and intensity.</li> </ul>
Ports	Studies underway	<ul style="list-style-type: none"> <li>ARB will evaluate the impacts of ports and develop a new comprehensive plan that will describe the steps needed to reduce public health impacts from port and rail activities in California. In the interim, a general advisory is appropriate based on the magnitude of diesel PM emissions associated with ports.</li> </ul>
Refineries	Under 10	<ul style="list-style-type: none"> <li>Risk assessments conducted at California refineries show risks from air toxics to be under 10 chances of cancer per million.<sup>4</sup></li> <li>Distance recommendations were based on the amount and potentially hazardous nature of many of the pollutants released as part of the refinery process, particularly during non-routine emissions releases.</li> </ul>
Chrome Platers	10-100	<ul style="list-style-type: none"> <li>ARB modeling and monitoring studies show localized risk of hexavalent chromium diminishing significantly at 300 feet. There are data limitations in both the modeling and monitoring studies. These include variability of plating activities and uncertainty of emissions such as fugitive dust. Hexavalent chromium is one of the most potent toxic air contaminants. Considering these factors, a distance of 1,000 feet was used as a precautionary measure.</li> </ul>
Dry Cleaners Using Perchloro-ethylene (perc)	15-150	<ul style="list-style-type: none"> <li>Local air district studies indicate that individual cancer risk can be reduced by as much as 75 percent by establishing a 300 foot separation between a sensitive land use and a one-machine perc dry cleaning operation. For larger operations (2 machines or more), a separation of 500 feet can reduce risk by over 85 percent.</li> </ul>

Source Category	Range of Relative Cancer Risk <sup>1,2</sup>	Summary of Basis for Advisory Recommendations
Gasoline Dispensing Facilities (GDF) <sup>5</sup>	Typical GDF: Less than 10  Large GDF: Between Less than 10 and 120	<ul style="list-style-type: none"> <li>Based on the CAPCOA Gasoline Service Station Industry-wide Risk Assessment Guidelines, most typical GDFs (less than 3.6 million gallons per year) have a risk of less than 10 at 50 feet under urban air dispersion conditions. Over the last few years, there has been a growing number of extremely large GDFs with sales over 3.6 and as high as 19 million gallons per year. Under rural air dispersion conditions, these large GDFs can pose a larger risk at a greater distance.</li> </ul>

<sup>1</sup>For cancer health effects, risk is expressed as an estimate of the increased chances of getting cancer due to facility emissions over a 70-year lifetime. This increase in risk is expressed as chances in a million (e.g., 10 chances in a million).

<sup>2</sup>The estimated cancer risks are a function of the proximity to the specific category and were calculated independent of the regional health risk from air pollution. For example, the estimated regional cancer risk from air toxics in the Los Angeles region (South Coast Air Basin) is approximately 1,000 in a million.

<sup>3</sup>Analysis based on refrigerator trucks.

<sup>4</sup>Although risk assessments performed by refineries indicate they represent a low cancer risk, there is limited data on non-cancer effects of pollutants that are emitted from these facilities. Refineries are also a source of non-routine emissions and odors.

<sup>5</sup>A typical GDF in California dispenses under 3.6 million gallons of gasoline per year. The cancer risk for this size facility is likely to be less than 10 in a million at the fence line under urban air dispersion conditions.

A large GDF has fuel throughputs that can range from 3.6 to 19 million gallons of gasoline per year. The upper end of the risk range (i.e., 120 in a million) represents a hypothetical worst case scenario for an extremely large GDF under rural air dispersion conditions.

### **Freeways and High Traffic Roads**

Air pollution studies indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. Many of these epidemiological studies have focused on children. A number of studies identify an association between adverse non-cancer health effects and living or attending school near heavily traveled roadways (see findings below). These studies have reported associations between residential proximity to high traffic roadways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children.

One such study that found an association between traffic and respiratory symptoms in children was conducted in the San Francisco Bay Area. Measurements of traffic-related pollutants showed concentrations within 300 meters (approximately 1,000 feet) downwind of freeways were higher than regional values. Most other studies have assessed exposure based on proximity factors such as distance to freeways or traffic density.

These studies linking traffic emissions with health impacts build on a wealth of data on the adverse health effects of ambient air pollution. The data on the effects of proximity to traffic-related emissions provides additional information that can be used in land use siting and regulatory actions by air agencies. The key observation in these studies is that close proximity increases both exposure and the potential for adverse health effects. Other effects associated with traffic emissions include premature death in elderly individuals with heart disease.

### **Key Health Findings**

- Reduced lung function in children was associated with traffic density, especially trucks, within 1,000 feet and the association was strongest within 300 feet. (Brunekreef, 1997)
- Increased asthma hospitalizations were associated with living within 650 feet of heavy traffic and heavy truck volume. (Lin, 2000)
- Asthma symptoms increased with proximity to roadways and the risk was greatest within 300 feet. (Venn, 2001)
- Asthma and bronchitis symptoms in children were associated with proximity to high traffic in a San Francisco Bay Area community with good overall regional air quality. (Kim, 2004)
- A San Diego study found increased medical visits in children living within 550 feet of heavy traffic. (English, 1999)

In these and other proximity studies, the distance from the roadway and truck traffic densities were key factors affecting the strength of the association with adverse health effects. In the above health studies, the association of traffic-related emissions with adverse health effects was seen within 1,000 feet and was



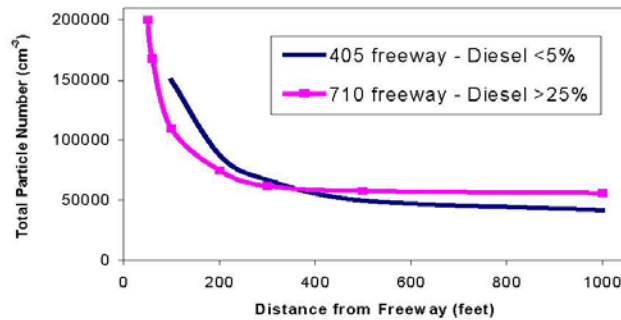
strongest within 300 feet. This demonstrates that the adverse effects diminished with distance.

In addition to the respiratory health effects in children, proximity to freeways increases potential cancer risk and contributes to total particulate matter exposure. There are three carcinogenic toxic air contaminants that constitute the majority of the known health risk from motor vehicle traffic – diesel particulate matter (diesel PM) from trucks, and benzene and 1,3-butadiene from passenger vehicles. On a typical urban freeway (truck traffic of 10,000-20,000/day), diesel PM represents about 70 percent of the potential cancer risk from the vehicle traffic. Diesel particulate emissions are also of special concern because health studies show an association between particulate matter and premature mortality in those with existing cardiovascular disease.

Distance Related Findings

A southern California study (Zhu, 2002) showed measured concentrations of vehicle-related pollutants, including ultra-fine particles, decreased dramatically within approximately 300 feet of the 710 and 405 freeways. Another study looked at the validity of using distance from a roadway as a measure of exposure

Figure 1-1  
Decrease In Concentration of Freeway Diesel PM Emissions  
With Distance



to traffic related air pollution (Knappe, 1999). This study showed that concentrations of traffic related pollutants declined with distance from the road, primarily in the first 500 feet.

These findings are consistent with air quality modeling and risk analyses done by ARB staff that show an estimated range of potential cancer risk that decreases with distance from freeways. The estimated risk varies with the local meteorology, including wind pattern. As an example, at 300 feet downwind from a freeway (Interstate 80) with truck traffic of 10,000 trucks per day, the potential cancer risk was as high as 100 in one million (ARB Roseville Rail Yard Study). The cancer health risk at 300 feet on the upwind side of the freeway was much

less. The risk at that distance for other freeways will vary based on local conditions – it may be higher or lower. However, in all these analyses the relative exposure and health risk dropped substantially within the first 300 feet. This phenomenon is illustrated in Figure 1-1.

State law restricts the siting of new schools within 500 feet of a freeway, urban roadways with 100,000 vehicles/day, or rural roadways with 50,000 vehicles with some exceptions.<sup>2</sup> However, no such requirements apply to the siting of residences, day care centers, playgrounds, or medical facilities. The available data show that exposure is greatly reduced at approximately 300 feet. In the traffic-related studies the additional health risk attributable to the proximity effect was strongest within 1,000 feet.

The combination of the children's health studies and the distance related findings suggests that it is important to avoid exposing children to elevated air pollution levels immediately downwind of freeways and high traffic roadways. These studies suggest a substantial benefit to a 500-foot separation.

The impact of traffic emissions is on a gradient that at some point becomes indistinguishable from the regional air pollution problem. As air agencies work to reduce the underlying regional health risk from diesel PM and other pollutants, the impact of proximity will also be reduced. In the meantime, as a preventative measure, we hope to avoid exposing more children and other vulnerable individuals to the highest concentrations of traffic-related emissions.

#### Recommendation

- Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

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- Brunekreef, B. et al. "Air pollution from truck traffic and lung function in children living near motorways." Epidemiology. 1997; 8:298-303
- Lin, S. et al. "Childhood asthma hospitalization and residential exposure to state route traffic." Environ Res. 2002;88:73-81
- Venn. et al. "Living near a main road and the risk of wheezing illness in children." American Journal of Respiratory and Critical Care Medicine. 2001; Vol.164, pp. 2177-2180
- Kim, J. et al. "Traffic-related air pollution and respiratory health: East Bay Children's Respiratory Health Study." American Journal of Respiratory and Critical Care Medicine 2004; Vol. 170. pp. 520-526

<sup>2</sup> Section 17213 of the California Education Code and section 21151.8 of the California Public Resources Code. See also Appendix E for a description of special processes that apply to school siting.

- Zhu, Y et al. "Study of Ultra-Fine Particles Near A Major Highway With Heavy-Duty Diesel Traffic." Atmospheric Environment. 2002 ; 36:4323-4335
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- English P., Neutra R., Scalf R. Sullivan M. Waller L. Zhu L. "Examining Associations Between Childhood Asthma and Traffic Flow Using a Geographic Information System." (1999) Environmental Health Perspectives 107(9): 761-767

### **Distribution Centers**

Distribution centers or warehouses are facilities that serve as a distribution point for the transfer of goods. Such facilities include cold storage warehouses, goods transfer facilities, and inter-modal facilities such as ports. These operations involve trucks, trailers, shipping containers, and other equipment with diesel engines. A distribution center can be comprised of multiple centers or warehouses within an area. The size can range from several to hundreds of acres, involving a number of different transfer operations and long waiting periods. A distribution center can accommodate hundreds of diesel trucks a day that deliver, load, and/or unload goods up to seven days a week. To the extent that these trucks are transporting perishable goods, they are equipped with diesel-powered transport refrigeration units (TRUs) or TRU generator sets.

The activities associated with delivering, storing, and loading freight produces diesel PM emissions. Although TRUs have relatively small diesel-powered engines, in the normal course of business, their emissions can pose a significant health risk to those nearby. In addition to onsite emissions, truck travel in and out of distribution centers contributes to the local pollution impact.

ARB is working to reduce diesel PM emissions through regulations, financial incentives, and enforcement programs. In 2004, ARB adopted two airborne toxic control measures that will reduce diesel PM emissions associated with distribution centers. The first will limit nonessential (or unnecessary) idling of diesel-fueled commercial vehicles, including those entering from other states or countries. This statewide measure, effective in 2005, prohibits idling of a vehicle more than five minutes at any one location.<sup>3</sup> The elimination of unnecessary idling will reduce the localized impacts caused by diesel PM and other air toxics

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<sup>3</sup> For further information on the Anti-Idling ATCM, please click on: <http://www.arb.ca.gov/toxics/idling/outreach/factsheet.pdf>

in diesel vehicle exhaust. This should be a very effective new strategy for reducing diesel PM emissions at distribution centers as well as other locations.

The second measure requires that TRUs operating in California become cleaner over time. The measure establishes in-use performance standards for existing TRU engines that operate in California, including out-of-state TRUs. The requirements are phased-in beginning in 2008, and extend to 2019.<sup>4</sup>

ARB also operates a smoke inspection program for heavy-duty diesel trucks that focuses on reducing truck emissions in California communities. Areas with large numbers of distribution centers are a high priority.

#### Key Health Findings

Diesel PM has been identified by ARB as a toxic air contaminant and represents 70 percent of the known potential cancer risk from air toxics in California. Diesel PM is an important contributor to particulate matter air pollution. Particulate matter exposure is associated with premature mortality and health effects such as asthma exacerbation and hospitalization due to aggravating heart and lung disease.

#### Distance Related Findings

Although distribution centers are located throughout the state, they are usually clustered near transportation corridors, and are often located in or near population centers. Diesel PM emissions from associated delivery truck traffic and TRUs at these facilities may result in elevated diesel PM concentrations in neighborhoods surrounding those sites. Because ARB regulations will restrict truck idling at distribution centers, the largest continuing onsite diesel PM emission source is the operation of TRUs. Truck travel in and out of distribution centers also contributes to localized exposures, but specific travel patterns and truck volumes would be needed to identify the exact locations of the highest concentrations.

As part of the development of ARB's regulation for TRUs, ARB staff performed air quality modeling to estimate exposure and the associated potential cancer risk of onsite TRUs for a typical distribution center. For an individual person, cancer risk estimates for air pollution are commonly expressed as a probability of developing cancer from a lifetime (i.e., 70 years) of exposure. These risks were calculated independent of regional risk. For example, the estimated regional cancer risk from air toxics in the Los Angeles region (South Coast Air Basin) is approximately 1,000 additional cancer cases per one million population.

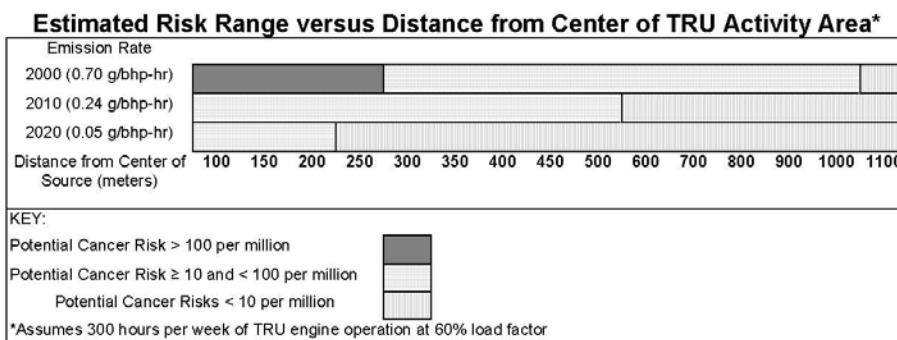
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<sup>4</sup> For further information on the Transport Refrigeration Unit ATCM, please click on: <http://www.arb.ca.gov/diesel/documents/trufaq.pdf>

The diesel PM emissions from a facility are dependent on the size (horsepower), age, and number of engines, emission rates, the number of hours the truck engines and/or TRUs operate, distance, and meteorological conditions at the site. This assessment assumes a total on-site operating time for all TRUs of 300 hours per week. This would be the equivalent of 40 TRU-equipped trucks a day, each loading or unloading on-site for one hour, 12 hours a day and seven days a week.

As shown in Figure 1-2 below, at this estimated level of activity and assuming a current fleet diesel PM emission rate, the potential cancer risk would be over 100 in a million at 800 feet from the center of the TRU activity. The estimated potential cancer risk would be in the 10 to 100 per million range between 800 to 3,300 feet and fall off to less than 10 per million at approximately 3,600 feet. However with the implementation of ARB's regulation on TRUs, the risk will be significantly reduced.<sup>5</sup> We have not conducted a risk assessment for distribution centers based on truck traffic alone, but on an emissions basis, we would expect similar risks for a facility with truck volumes in the range of 100 per day.

Figure 1-2

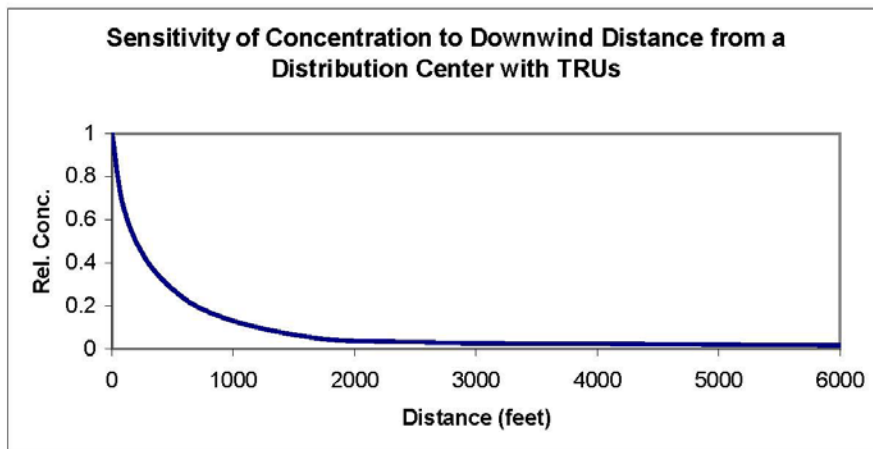


The estimated potential cancer risk level in Figure 1-2 is based on a number of assumptions that may not reflect actual conditions for a specific site. For example, increasing or decreasing the hours of diesel engine operations would change the potential risk levels. Meteorological and other facility specific parameters can also impact the results. Therefore, the results presented here are not directly applicable to any particular facility or operation. Rather, this information is intended to provide an indication as to the potential relative levels of risk that may be observed from operations at distribution centers. As shown in Figure 1-2, the estimated risk levels will decrease over time as lower-emitting diesel engines are used.

<sup>5</sup> These risk values assume an exposure duration of 70 years for a nearby resident and uses the methodology specified in the 2003 OEHA health risk assessment guidelines.

Another air modeling analysis, performed by the South Coast Air Quality Management District (South Coast AQMD), evaluated the impact of diesel PM emissions from distribution center operations in the community of Mira Loma in southern California. Based on dispersion of diesel PM emissions from a large distribution center, Figure 1-3 shows the relative pollution concentrations at varying distances downwind. As Figure 1-3 shows, there is about an 80 percent drop off in concentration at approximately 1,000 feet.

Figure 1-3  
Decrease In Relative Concentration of Risk  
With Distance



Both the ARB and the South Coast AQMD analyses indicate that providing a separation of 1,000 feet would substantially reduce diesel PM concentrations and public exposure downwind of a distribution center. While these analyses do not provide specific risk estimates for distribution centers, they provide an indication of the range of risk and the benefits of providing a separation. ARB recommends a separation of 1,000 feet based on the combination of risk analysis done for TRUs and the decrease in exposure predicted with the South Coast AQMD modeling. However, ARB staff plans to provide further information on distribution centers as we collect more data and implement the TRU control measure.

Taking into account the configuration of distribution centers can also reduce population exposure and risk. For example, locating new sensitive land uses away from the main entry and exit points helps to reduce cancer risk and other health impacts.

### Recommendations

- Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating TRUs per day, or where TRU unit operations exceed 300 hours per week).
- Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.

### References

- *Airborne Toxic Control Measure To Limit Diesel-Fueled Commercial Motor Vehicle Idling*. ARB (August 20, 2004). Rule effectiveness date awaiting submittal of regulation to the Office of Administration Law. <http://www.arb.ca.gov/regact/idling/idling.htm>
- *Revised Staff Report: Initial Statement of Reasons for Proposed Rulemaking. Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate*. ARB (October 28, 2003). <http://www.arb.ca.gov/regact/trude03/revisor.doc>
- *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. SCAQMD (August 2003) [http://www.aqmd.gov/ceqa/handbook/diesel\\_analysis.doc](http://www.aqmd.gov/ceqa/handbook/diesel_analysis.doc)
- "Mira Loma Study: Analysis of the Impact of Diesel Particulate Emissions from Warehouse/Distribution Center Operations", PowerPoint presentation. SCAQMD (July 31, 2002)

### Rail Yards

Rail yards are a major source of diesel particulate air pollution. They are usually located near inter-modal facilities, which attract heavy truck traffic, and are often sited in mixed industrial and residential areas. ARB, working with the Placer County air district and Union Pacific Railroad, recently completed a study<sup>6</sup> of the Roseville Rail Yard (Yard) in northern California that focused on the health risk from diesel particulate. A comprehensive emissions analysis and air quality modeling were conducted to characterize the estimated potential cancer risk associated with the facility.

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<sup>6</sup> To review the study, please click on: <http://www.arb.ca.gov/diesel/documents/rstudy.htm>

The Yard encompasses about 950 acres on a one-quarter mile wide by four-mile long strip of land that parallels Interstate 80. It is surrounded by commercial, industrial, and residential properties. The Yard is one of the largest service and maintenance rail yards in the West with over 30,000 locomotives visiting annually.

Using data provided by Union Pacific Railroad, the ARB determined the number and type of locomotives visiting the Yard annually and what those locomotives were doing - moving, idling, or undergoing maintenance testing. Union Pacific provided the annual, monthly, daily, and hourly locomotive activity in the yard including locomotive movements; routes for arrival, departure, and through trains; and locomotive service and testing. This information was used to estimate the emissions of particulate matter from the locomotives, which was then used to model the potential impacts on the surrounding community.

The key findings of the study are:

- Diesel PM emissions in 2000 from locomotive operations at the Roseville Yard were estimated at about 25 tons per year.
- Of the total diesel PM in the Yard, moving locomotives accounted for about 50 percent, idling locomotives about 45 percent, and locomotive testing about five percent.
- Air quality modeling predicts potential cancer risks greater than 500 in a million (based on 70 years of exposure) in a 10-40 acre area immediately adjacent to the Yard's maintenance operations.
- The risk assessment also showed elevated cancer risk impacting a larger area covering about a 10 by 10 mile area around the Yard.

The elevated concentrations of diesel PM found in the study contribute to an increased risk of cancer and premature death due to cardiovascular disease, and non-cancer health effects such as asthma and other respiratory illnesses. The magnitude of the risk, the general location, and the size of the impacted area depended on the meteorological data used to characterize conditions at the Yard, the dispersion characteristics, and exposure assumptions. In addition to these variables, the nature of locomotive activity will influence a risk characterization at a particular rail yard. For these reasons, the quantified risk estimates in the Roseville Rail Yard Study cannot be directly applied to other rail yards. However, the study does indicate the health risk due to diesel PM from rail yards needs to be addressed. ARB, in conjunction with the U.S. Environmental Protection Agency (U.S. EPA), and local air districts, is working with the rail industry to identify and implement short term, mid-term and long-term mitigation strategies. ARB also intends to conduct a second rail study in southern California to increase its understanding of rail yard operations and the associated public health impacts.



### Key Health Findings

Diesel PM has been identified by ARB as a toxic air contaminant and represents 70 percent of the known potential cancer risk from air toxics in California. Diesel PM is an important contributor to particulate matter air pollution. Particulate matter exposure is associated with premature mortality and health effects such as asthma exacerbation and hospitalization due to aggravating heart and lung disease.

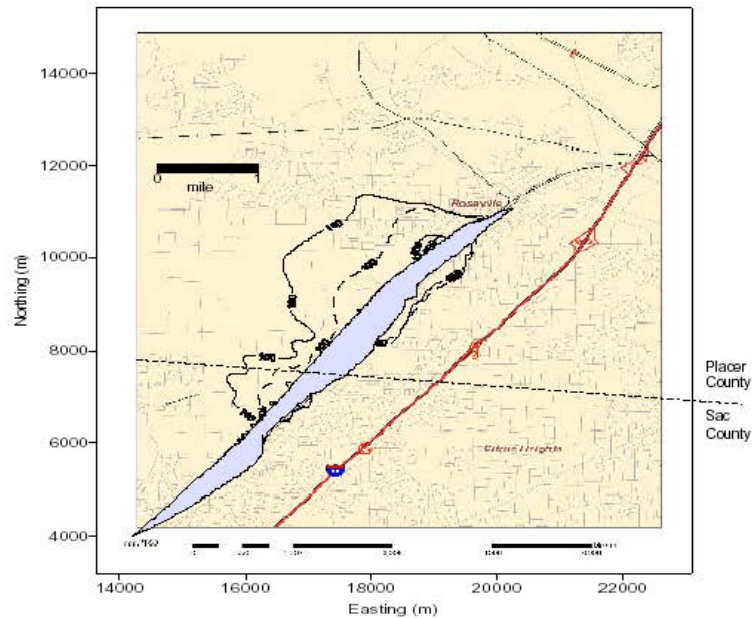
### Distance Related Findings

Two sets of meteorological data were used in the Roseville study because of technical limitations in the data. The size of the impact area was highly dependent on the meteorological data set used. The predicted highest impact area ranged from 10 - 40 acres with the two different meteorological data sets. This area, with risks estimated above 500 in a million, is adjacent to an area that includes a maintenance shop (see Figure 1-4). The high concentration of diesel PM emissions is due to the number of locomotives and nature of activities in this area, particularly idling locomotives.

The area of highest impact is within 1,000 feet of the Yard. The next highest impact zone as defined in the report had a predicted risk between 500 and 100 in one million and extends out between a half to one mile in some spots, depending on which meteorological conditions were assumed. The impact areas are irregular in shape making it difficult to generalize about the impact of distance at a particular location. However, the Roseville Rail Yard Study clearly indicates that the localized health risk is high, the impact area is large, and mitigation of the locomotive diesel PM emissions is needed.

For facilities like rail yards and ports, the potential impact area is so large that the real solution is to substantially reduce facility emissions. However, land use planners can avoid encroaching upon existing rail facilities and those scheduled for expansion. We also recommend that while air agencies tackle this problem, land use planners try not to add new sensitive individuals into the highest exposure areas. Finally, we recommend that land use agencies consider the potential health impacts of rail yards in their planning and permitting processes. Additional limitations and mitigation may be feasible to further reduce exposure on a site-specific basis.

**Figure 1-4**  
**Estimated Cancer Risk from the Yard**  
**(100 and 500 in a million risk isopleths)**



Notes: 100/Million Contours: Solid Line – Roseville Met Data; Dashed Line-McClellan Met Data, Urban Dispersion Coefficients, 80<sup>th</sup> Percentile Breathing Rate, All Locomotives' Activities (23 TPY), 70-Year Exposure

#### Recommendation

- Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard<sup>7</sup>.
- Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.

#### References

- *Roseville Rail Yard Study*. ARB (2004)

<sup>7</sup> The rail yard risk analysis was conducted for the Union Pacific rail yard in Roseville, California. This rail yard is one of the largest in the state. There are other rail yards in California with comparable levels of activity that should be considered "major" for purposes of this Handbook.

### **Ports**

Air pollution from maritime port activities is a growing concern for regional air quality as well as air quality in nearby communities. The primary air pollutant associated with port operations is directly emitted diesel particulate. Port-related activities also result in emissions that form ozone and secondary particulate in the atmosphere. The emission sources associated with ports include diesel engine-powered ocean-going ships, harbor craft, cargo handling equipment, trucks, and locomotives. The size and concentration of these diesel engines makes ports one of the biggest sources of diesel PM in the state. For that reason, ARB has made it a top priority to reduce diesel PM emissions at the ports, in surrounding communities, and throughout California.

International, national, state, and local government collaboration is critical to reducing port emissions based on both legal and practical considerations. For example, the International Maritime Organization (IMO) and the U.S. EPA establish emission standards for ocean-going vessels and U.S.-flagged harbor craft, respectively. ARB is pursuing further federal actions to tighten these standards. In addition, ARB and local air districts are reducing emissions from ports through a variety of approaches. These include: incentive programs to fund cleaner engines, enhanced enforcement of smoke emissions from ships and trucks, use of dockside electricity instead of diesel engines, cleaner fuels for ships, harbor craft, locomotives, and reduced engine idling. The two ATCMs that limit truck idling and reduce emissions from TRUs (discussed under "Distribution Centers") also apply to ports.

ARB is also developing several other regulations that will reduce port-related emissions. One rule would require ocean-going ships to use a cleaner marine diesel fuel to power auxiliary engines while in California coastal waters and at dock. Ships that frequently visit California ports would also be required to further reduce their emissions. ARB has adopted a rule that would require harbor craft to use the same cleaner diesel fuel used by on-road trucks in California. In 2005, ARB will consider a rule that would require additional controls for in-use harbor craft, such as the use of add-on emission controls and accelerated turnover of older engines.

### **Key Health Findings**

Port activities are a major source of diesel PM. Diesel PM has been identified by ARB as a toxic air contaminant and represents 70 percent of the known potential cancer risk from air toxics in California. Diesel PM is an important contributor to particulate matter air pollution. Particulate matter exposure is associated with premature mortality and health effects such as asthma exacerbation and hospitalization due to aggravating heart and lung disease.

### Distance Related Findings

The Ports of Los Angeles and Long Beach provide an example of the emissions impact of port operations. A comprehensive emissions inventory was completed in June 2004. These ports combined are one of the world's largest and busiest seaports. Located in San Pedro Bay, about 20 miles south of downtown Los Angeles, the port complex occupies approximately 16 square miles of land and water. Port activities include five source categories that produce diesel emissions. These are ocean-going vessels, harbor craft, cargo handling equipment, railroad locomotives, and heavy-duty trucks.

The baseline emission inventory provides emission estimates for all major air pollutants. This analysis focuses on diesel PM from in-port activity because these emissions have the most potential health impact on the areas adjacent to the port. Ocean vessels are the largest overall source of diesel PM related to the ports, but these emissions occur primarily outside of the port in coastal waters, making the impact more regional in nature.

The overall in-port emission inventory for diesel particulate for the ports of Los Angeles and Long Beach is estimated to be 550 tons per year. The emissions fall in the following major categories: ocean-going vessels (17%), harbor craft (25%), cargo handling (47%), railroad locomotive (3%), and heavy duty vehicles (8%). In addition to in-port emissions, ship, rail, and trucking activities also contribute to regional emissions and increase emissions in nearby neighborhoods. Off-port emissions associated with related ship, rail, and trucking activities contribute an additional 680 tons per year of diesel particulate at the Port of Los Angeles alone.

To put this in perspective, the diesel PM emissions estimated for the Roseville Yard in ARB's 2004 study are 25 tons per year. The potential cancer risk associated with these emissions is 100 in one million at a distance of one mile, or one half mile, depending on the data set used. This rail yard covers one and a half square miles. The Los Angeles and Long Beach ports have combined diesel PM emissions of 550 tons per year emitted from a facility that covers a much larger area - 16 miles. The ports have about twice the emission density of the rail yard - 34 tons per year per square mile compared to 16 tons per year per square mile. However, while this general comparison is illustrative of the overall size of the complex, a detailed air quality modeling analysis would be needed to assess the potential health impact on specific downwind areas near the ports.

ARB is in the process of evaluating the various port-related emission sources from the standpoint of existing emissions, growth forecasts, new control options, regional air quality impacts, and localized health risk. A number of public processes - both state and local - are underway to address various aspects of these issues. Until more of these analyses are complete, there is little basis for recommending a specific separation between new sensitive land uses and ports.

For example, the type of data we have showing the relationship between air pollutant concentrations and distance from freeways is not yet available.

Also, the complexity of the port facilities makes a site-specific analysis critical. Ports are a concentration of multiple emission sources with differing dispersion and other characteristics. In the case of the Roseville rail yard, we found a high, very localized impact associated with a particular activity, service and maintenance. By contrast, the location, size, and nature of impact areas can be expected to vary substantially for different port activities. For instance, ground level emissions from dockside activities would behave differently from ship stack level emissions.

Nonetheless, on an emissions basis alone, we expect locations downwind of ports to be substantially impacted. For that reason, we recommend that land use agencies track the current assessment efforts, and consider limitations on the siting of new sensitive land uses in areas immediately downwind of ports.

#### Recommendations

Avoid siting new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.

#### References

- *Roseville Rail Yard Study*. ARB (2004)
- Final Draft, "*Port-Wide Baseline Air Emissions Inventory*." Port of Los Angeles (June 2004)
- Final Draft, "*2002 Baseline Air Emissions Inventory*." Port of Long Beach (February 2004)

#### Petroleum Refineries

A petroleum refinery is a complex facility where crude oil is converted into petroleum products (primarily gasoline, diesel fuel, and jet fuel), which are then transported through a system of pipelines and storage tanks for final distribution by delivery truck to fueling facilities throughout the state. In California, most crude oil is delivered either by ship from Alaska or foreign sources, or is delivered via pipeline from oil production fields within the state. The crude oil then undergoes many complex chemical and physical reactions, which include distillation, catalytic cracking, reforming, and finishing. These refining processes have the potential to emit air contaminants, and are subject to extensive emission controls by district regulations.

As a result of these regulations covering the production, marketing, and use of gasoline and other oil by-products, California has seen significant regional air quality benefits both in terms of cleaner fuels and cleaner operating facilities. In

the 1990s, California refineries underwent significant modifications and modernization to produce cleaner fuels in response to changes in state law. Nevertheless, while residual emissions are small when compared to the total emissions controlled from these major sources, refineries are so large that even small amounts of fugitive, uncontrollable emissions and associated odors from the operations, can be significant. This is particularly the case for communities that may be directly downwind of the refinery. Odors can cause health symptoms such as nausea and headache. Also, because of the size, complexity, and vast numbers of refinery processes onsite, the occasional refinery upset or malfunction can potentially result in acute or short-term health effects to exposed individuals.

#### Key Health Findings

Petroleum refineries are large single sources of emissions. For volatile organic compounds (VOCs), eight of the ten largest stationary sources in California are petroleum refineries. For oxides of nitrogen (NOx), four of the ten largest stationary sources in California are petroleum refineries. Both of these compounds react in the presence of sunlight to form ozone. Ozone impacts lung function by irritating and damaging the respiratory system. Petroleum refineries are also large stationary sources of both particulate matter under 10 microns in size (PM<sub>10</sub>) and particulate matter under 2.5 microns in size (PM<sub>2.5</sub>). Exposure to particulate matter aggravates a number of respiratory illnesses, including asthma, and is associated with premature mortality in people with existing cardiac and respiratory disease. Both long-term and short-term exposure can have adverse health impacts. Finer particles pose an increased health risk because they can deposit deep in the lung and contain substances that are particularly harmful to human health. NOx are also significant contributors to the secondary formation of PM<sub>2.5</sub>.

Petroleum refineries also emit a variety of toxic air pollutants. These air toxics vary by facility and process operation but may include: acetaldehyde, arsenic, antimony, benzene, beryllium, 1,3-butadiene, cadmium compounds, carbonyl sulfide, carbon disulfide, chlorine, dibenzofurans, diesel particulate matter, formaldehyde, hexane, hydrogen chloride, lead compounds, mercury compounds, nickel compounds, phenol, 2,3,7,8 tetrachlorodibenzo-p-dioxin, toluene, and xylenes (mixed) among others. The potential health effects associated with these air toxics can include cancer, respiratory irritation, and damage to the central nervous system, depending on exposure levels.

#### Distance Related Findings

Health risk assessments for petroleum refineries have shown risks from toxic air pollutants that have quantifiable health risk values to be around 10 potential cancer cases per million. Routine air monitoring and several air monitoring studies conducted in the San Francisco Bay Area (Crockett) and the South Coast Air Basin (Wilmington) have not identified significant health risks specifically

associated with refineries. However, these studies did not measure diesel PM as no accepted method currently exists, and there are many toxic air pollutants that do not have quantifiable health risk values.

In 2002, ARB published a report on the results of the state and local air district air monitoring done near oil refineries. The purpose of this evaluation was to try to determine how refinery-related emissions might impact nearby communities. This inventory of air monitoring activities included 10 ambient air monitoring stations located near refineries in Crockett and four stations near refineries in Wilmington. These monitoring results did not identify significant increased health risks associated with the petroleum refineries. In 2002-2003, ARB conducted additional monitoring studies in communities downwind of refineries in Crockett and Wilmington. These monitoring results also did not indicate significant increased health risks from the petroleum refineries.

Consequently, there are no air quality modeling or air monitoring data that provides a quantifiable basis for recommending a specific separation between refineries and new sensitive land uses. However, in view of the amount and potentially hazardous nature of many of the pollutants released as part of the refinery process, we believe the siting of new sensitive land uses immediately downwind should be avoided. Land use agencies should consult with the local air district when considering how to define an appropriate separation for refineries within their jurisdiction.

#### Recommendations

- Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.

#### References

- *Review of Current Ambient Air Monitoring Activities Related to California Bay Area and South Coast Refineries.* ARB (March 2002)  
<http://www.arb.ca.gov/aqgm/qmosqual/special/mldrefinery.pdf>
- *Community Air Quality Monitoring: Special Studies – Crockett.* ARB (September 2004)  
<http://www.arb.ca.gov/ch/communities/studies/crockett/crockett.htm>
- *Wilmington Study - Air Monitoring Results.* ARB (2003)  
<http://www.arb.ca.gov/ch/communities/studies/wilmington/wilmington.htm>

#### Chrome Plating Operations

Chrome plating operations rely on the use of the toxic metal hexavalent chromium, and have been subject to ARB and local air district control programs for many years. Regulation of chrome plating operations has reduced statewide emissions substantially. However, due to the nature of chrome plating

operations and the highly toxic nature of hexavalent chromium, the remaining health risk to nearby residents is a continuing concern.

Chrome plating operations convert hexavalent chromium in solution to a chromium metal layer by electroplating, and are categorized based upon the thickness of the chromium metal layer applied. In “decorative plating”, a layer of nickel is first plated over a metal substrate. Following this step, a thin layer of chromium is deposited over the nickel layer to provide a decorative and protective finish, for example, on faucets and automotive wheels. “Hard chrome plating” is a process in which a thicker layer of chromium metal is deposited directly on metal substrates such as engine parts, industrial machinery, and tools to provide greater protection against corrosion and wear.

Hexavalent chromium is emitted into the air when an electric current is applied to the plating bath. Emissions are dependent upon the amount of electroplating done per year and the control requirements. A unit of production referred to as an ampere-hour represents the amount of electroplating produced. Small facilities have an annual production rate of 100,000 – 500,000 ampere-hours, while medium-size facilities may have a production rate of 500,000 to about 3 million ampere-hours. The remaining larger facilities have a range of production rates that can be as high as 80 million ampere-hours.

The control requirements, which reduce emissions from the plating tanks, vary according to the size and type of the operation. Facilities either install add-on pollution control equipment, such as filters and scrubbers, or in-tank controls, such as fume suppressants and polyballs. With this combination of controls, the overall hexavalent chromium emissions have been reduced by over 90 percent. Larger facilities typically have better controls that can achieve efficiencies greater than 99 percent. However, even with stringent controls, the lack of maintenance and good housekeeping practices can lead to problems. And, since the material itself is inherently dangerous, any lapse in compliance poses a significant risk to nearby residents.

A 2002 ARB study in the San Diego community of Barrio Logan measured unexpectedly high concentrations of hexavalent chromium near chrome platers. The facilities were located in a mixed-use area with residences nearby. The study found that fugitive dust laden with hexavalent chromium was an important source of emissions that likely contributed to the elevated cancer risk. Largely as a result of this study, ARB is in the process of updating the current requirements to further reduce the emissions from these facilities.

In December 2004, the ARB adopted an ATCM to reduce emissions of hexavalent chromium and nickel from thermal spraying operations through the installation of best available control technology. The ATCM requires all existing facilities to comply with its requirements by January 1, 2006. New and modified thermal spraying operations must comply upon initial startup. An existing thermal spraying facility may be exempt from the minimum control efficiency



requirements of the ATCM if it is located at least 1,640 feet from the nearest sensitive receptor and emits no more than 0.5 pound per year of hexavalent chromium.<sup>8</sup>

#### Key Health Findings

Hexavalent chromium is one of the most toxic air pollutants regulated by the State of California. Hexavalent chromium is a carcinogen and has been identified in worker health studies as causing lung cancer. Exposure to even very low levels of hexavalent chromium should be avoided.

The California Office of Environmental Health Hazard Assessment has found that: 1) many epidemiological studies show a strong association between hexavalent chromium exposure in the work place and respiratory cancer; and 2) all short-term assays reported show that hexavalent chromium compounds can cause damage to human DNA.

Hexavalent chromium when inhaled over a period of many years can cause a variety of non-cancer health effects. These health effects include damage to the nose, blood disorders, lung disease, and kidney damage. The non-cancer health impacts occur with exposures considerably higher than exposures causing significant cancer risks. It is less likely that the public would be exposed to hexavalent chromium at levels high enough to cause these non-cancer health effects. Non-cancer health effects, unlike cancer health effects, have a threshold or exposure level below which non-cancer health effects would not be expected.

#### Distance Related Findings

ARB's 2002 Barrio Logan Study measured concentrations of hexavalent chromium in the air near two chrome plating facilities. The study was conducted from December 2001 to May 2002. There were two chrome platers on the street - one decorative and one hard plater. The purpose of the study was to better understand the near source impact of hexavalent chromium emissions. Air monitors were placed at residences next to the platers and at varying distances down the street. The monitors were moved periodically to look at the spatial distribution of the impact. Source testing and facility inspections identified one of the facilities as the likely source.

The first two weeks of monitoring results showed unexpectedly high levels of hexavalent chromium at a number of the monitoring sites. The high concentrations were intermittent. The concentrations ranged from 1 to 22 ng/m<sup>3</sup> compared to the statewide average of 0.1 ng/m<sup>3</sup>. If these levels were to continue for 70 years, the potential cancer risk would be 150 in one million. The highest value was found at an air monitor behind a house adjacent to one of the

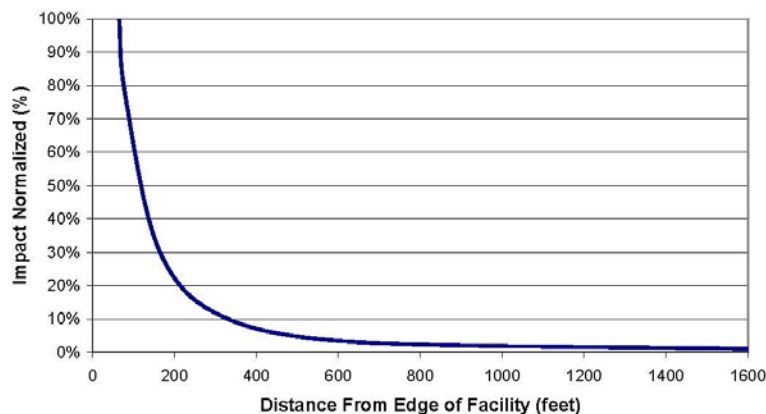
<sup>8</sup> For further information on the ATCM, please refer to:  
<http://www.arb.ca.gov/regact/thermspr/thermalspr.htm>

plating facilities—approximately 30 feet from the back entrance. Lower, but significant concentrations were found at an ambient air monitor 250 feet away.

The monitoring covered a period when the facility was not operating its plating tank. During this period, one of the highest concentrations was measured at an adjacent house. It appears that chromium-laden dust was responsible for high concentrations at this location since there was no plating activity at the time. Dust samples from the facility were tested and found to contain high levels of hexavalent chromium. On the day the highest concentration was measured at the house next door, a monitor 350 feet away from the plater’s entrance showed very little impact. Similar proximity effects are shown in ARB modeling studies.

Figure 1-5 shows how the relative health risk varies as a function of distance from a chrome plater. This analysis is based on a medium-sized chrome plater with an annual production rate of 3 million ampere-hours. As shown in Figure 1- 5, the potential health risk drops off rapidly, with over 90 percent reduction in risk within 300 feet. This modeling was done in 2003 as part of a review of ARB’s current air toxic control measure for chrome platers and is based on data from a recent ARB survey of chrome platers in California. The emission

**Figure 1-5  
Risk vs. Distance From Chrome Plater  
(Based on plating tank emissions)**



rates are only for plating operations. Because there are insufficient data available to directly quantify the impacts, the analysis does not include fugitive emissions, which the Barrio Logan analysis indicated could be significant.

Both the ARB Barrio Logan monitoring results and ARB’s 2003 modeling analysis suggests that the localized emissions impact of a chrome plater diminishes significantly at 300 feet. However, in developing our recommendation, we also considered the following factors:

- some chrome platers will have higher volumes of plating activity,
- potential dust impacts were not modeled,
- we have only one monitoring study looking at the impact of distance, and,
- hexavalent chromium is one of the most potent toxic air contaminants ARB has identified.

Given these limitations in the analysis, we recommend a separation of 1,000 feet as a precautionary measure. For large chrome platers, site specific information should be obtained from the local air district.

#### Recommendation

- Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.

#### References

- *Ambient Air Monitoring for Hexavalent Chromium and Metals in Barrio Logan: May 2001 through May 2002.* ARB, Monitoring and Laboratory Division (October 14, 2003)
- *Draft Barrio Logan Report.* ARB, Planning and Technical Support Division (November 2004)
- *Proposed Amendments to the Hexavalent Chromium Control Measure for Decorative and Hard Chrome Plating and Chromic Acid Anodizing Facilities.* ARB (April 1998)
- Murchison, Linda; Suer, Carolyn; Cook, Jeff. "*Neighborhood Scale Monitoring in Barrio Logan,*" (AWMA Annual Conference Proceedings, June 2003)

#### **Dry Cleaners Using Perchloroethylene (Perc Dry Cleaners)**

Perchloroethylene (perc) is the solvent most commonly used by the dry cleaning industry to clean clothes or other materials. The ARB and other public health agencies have identified perc as a potential cancer-causing compound. Perc persists in the atmosphere long enough to contribute to both regional air pollution and localized exposures. Perc dry cleaners are the major source of perc emissions in California.

Since 1990, the statewide concentrations and health risk from exposure to perc has dropped over 70 percent. This is due to a number of regulatory requirements on perc dry cleaners and other sources, including degreasing operations, brake cleaners, and adhesives. ARB adopted an Airborne Toxic Control Measure (ATCM) for Perc Emissions from Dry Cleaning Operations in 1993. ARB has also prohibited the use of perc in aerosol adhesives and automotive brake cleaners.

Perc dry cleaners statewide are required to comply with ARB and local air district regulations to reduce emissions. However, even with these controls, some emissions continue to occur. Air quality studies indicate that there is still the potential for significant risks even near well-controlled dry cleaners. The South Coast AQMD has adopted a rule requiring that all new dry cleaners use alternatives to perc and that existing dry cleaners phase out the use of perc by December 2020. Over time, transition to non-toxic alternatives should occur. However, while perc continues to be used, a preventative approach should be taken to siting of new sensitive land uses.

#### Key Health Findings

Inhalation of perc may result in both cancer and non-cancer health effects. An assessment by California's Office of Environmental Health Hazard Assessment (OEHHA) concluded that perc is a potential human carcinogen and can cause non-cancer health effects. In addition to the potential cancer risk, the effects of long-term exposure include dizziness, impaired judgment and perception, and damage to the liver and kidneys. Workers have shown signs of liver toxicity following chronic exposure to perc, as well as kidney dysfunction and neurological effects. Non-cancer health effects occur with higher exposure levels than those associated with significant cancer risks. The public is more likely to be exposed to perchloroethylene at levels causing significant cancer risks than to levels causing non-cancer health effects. Non-cancer health effects, unlike cancer health effects, have a threshold or exposure level below which non-cancer health effects would not be expected. The ARB formally identified perc as a toxic air contaminant in October 1991.

One study has determined that inhalation of perc is the predominant route of exposure to infants living in apartments co-located in the same building with a business operating perc dry cleaning equipment. Results of air sampling within co-residential buildings indicate that dry cleaners can cause a wide range of exposures depending on the type and maintenance of the equipment. For example, a well-maintained state-of-the-art system may have risks in the range of 10 in one million, whereas a badly maintained machine with major leaks can have potential cancer risks of thousands in one million.

The California Air Pollution Control Officers Association (CAPCOA) is developing Industry-wide Risk Assessment Guidelines for Perchloroethylene Dry Cleaners which, when published, will provide detailed information on public health risk from exposure to emissions from this source.

#### Distance Related Findings

Risk created by perc dry cleaning is dependent on the amount of perc emissions, the type of dry cleaning equipment, proximity to the source, and how the emissions are released and dispersed (e.g., type of ventilation system, stack parameters, and local meteorology). Dry cleaners are often located near

residential areas, and near shopping centers, schools, day-care centers, and restaurants.

The vast majority of dry cleaners in California have one dry cleaning machine per facility. The South Coast AQMD estimates that an average well-controlled dry cleaner uses about 30 to 160 gallons of cleaning solvent per year, with an average of about 100 gallons. Based on these estimates, the South Coast AQMD estimates a potential cancer risk between 25 to 140 in one million at residential locations 75 feet or less from the dry cleaner, with an average of about 80 in one million. The estimate could be as high as 270 in one million for older machines.

CAPCOA's draft industry-wide risk assessment of perc dry cleaning operations indicates that the potential cancer risk for many dry cleaners may be in excess of potential cancer risk levels adopted by the local air districts. The draft document also indicates that, in general, the public's exposure can be reduced by at least 75 percent, by providing a separation distance of about 300 feet from the operation. This assessment is based on a single machine with perc use of about 100 gallons per year. At these distances, the potential cancer risk would be less than 10 potential cases per million for most scenarios.

The risk would be proportionately higher for large, industrial size, dry cleaners. These facilities typically have two or more machines and use 200 gallons or more per year of perc. Therefore, separation distances need to be greater for large dry cleaners. At a distance of 500 feet, the remaining risk for a large plant can be reduced by over 85 percent.

In California, a small number of dry cleaners that are co-located (sharing a common wall, floor, or ceiling) with a residence have the potential to expose the inhabitants of the residence to high levels of perc. However, while special requirements have been imposed on these existing facilities, the potential for exposure still exists. Avoiding these siting situations in the future is an important preventative measure.

Local air districts are a source of information regarding specific dry cleaning operations—particularly for large industrial operations with multiple machines. The 300 foot separation recommended below reflects the most common situation – a dry cleaner with only one machine. While we recommend 500 feet when there are two or more machines, site specific information should be obtained from the local air district for some very large industrial operations. Factors that can impact the risk include the number and type of machines, controls used, source configuration, building dimensions, terrain, and meteorological data.

### Recommendation

- Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines provide 500 feet. For operations with 3 or more machines, consult with the local air district.
- Do not site new sensitive land uses in the same building with perc dry cleaning operations.

### References

- *Proposed Amended Rule 1421 – Control of Perchloroethylene Emissions from Dry Cleaning Systems*, Final Staff Report. South Coast AQMD. (October 2002)
- *Air Toxic Control Measure for Emissions of Perchloroethylene from Dry Cleaning Operations*. ARB (1994) (<http://www.arb.ca.gov/toxics/atcm/percatcm.htm>)
- “An Assessment of Tetrachloroethylene in Human Breast Milk”, Judith Schreiber, New York State Department of Health – Bureau of Toxic Substance Assessment, *Journal of Exposure Analysis and Environmental Epidemiology*, Vol.2, Suppl.2, pp. 15-26, 1992.
- Draft Air Toxics “Hot Spots” Program Perchloroethylene Dry Cleaner Industry-wide Risk Assessment Guidelines. (CAPCOA (November 2002)
- *Final Environmental Assessment for Proposed Amended Rule 1421 – Control of Perchloroethylene Emissions from Dry Cleaning Systems*. South Coast AQMD. (October 18, 2002)

### Gasoline Dispensing Facilities

Refueling at gasoline dispensing facilities releases benzene into the air. Benzene is a potent carcinogen and is one of the highest risk air pollutants regulated by ARB. Motor vehicles and motor vehicle-related activity account for over 90 percent of benzene emissions in California. While gasoline-dispensing facilities account for a small part of total benzene emissions, near source exposures for large facilities can be significant.

Since 1990, benzene in the air has been reduced by over 75 percent statewide, primarily due to the implementation of emissions controls on motor vehicle vapor recovery equipment at gas stations, and a reduction in benzene levels in gasoline. However, benzene levels are still significant. In urban areas, average benzene exposure is equivalent to about 50 in one million.

Gasoline dispensing facilities tend to be located in areas close to residential and shopping areas. Benzene emissions from the largest gas stations may result in near source health risk beyond the regional background and district health risk thresholds. The emergence of very high gasoline throughput at large retail or

wholesale outlets makes this a concern as these types of outlets are projected to account for an increasing market share in the next few years.

Key Health Findings

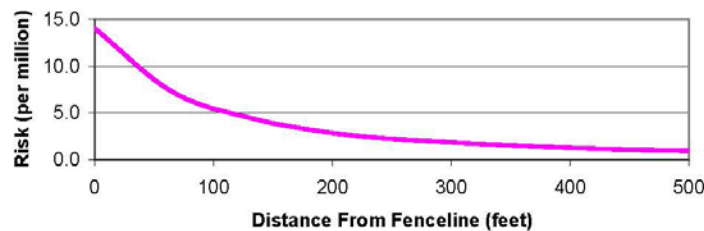
Benzene is a human carcinogen identified by ARB as a toxic air contaminant. Benzene also can cause non-cancer health effects above a certain level of exposure. Brief inhalation exposure to high concentrations can cause central nervous system depression. Acute effects include central nervous system symptoms of nausea, tremors, drowsiness, dizziness, headache, intoxication, and unconsciousness. It is unlikely that the public would be exposed to levels of benzene from gasoline dispensing facilities high enough to cause these non-cancer health effects.

Distance Related Findings

A well-maintained vapor recovery system can decrease emissions of benzene by more than 90% compared with an uncontrolled facility. Almost all facilities have emission control systems. Air quality modeling of the health risks from gasoline dispensing facilities indicate that the impact from the facilities decreases rapidly as the distance from the facility increases.

Statistics reported in the ARB's staff reports on Enhanced Vapor Recovery released in 2000 and 2002, indicated that almost 96 percent of the gasoline dispensing facilities had a throughput less than 2.4 million gallons per year. The remaining four percent, or approximately 450 facilities, had throughputs exceeding 2.4 million gallons per year. For these stations, the average gasoline throughput was 3.6 million gallons per year.

**Figure 1-6  
Gasoline Dispensing Facility Health Risk  
for 3,600,000 gal/yr throughput**



As shown in Figure 1-6, the risk levels for a gasoline dispensing facility with a throughput of 3.6 million gallons per year is about 10 in one million at a distance of 50 feet from the fenceline. However, as the throughput increases, the potential risk increases.

As mentioned above, air pollution levels in the immediate vicinity of large gasoline dispensing facilities may be higher than the surrounding area (although tailpipe emissions from motor vehicles dominates the health impacts). Very large gasoline dispensing facilities located at large wholesale and discount centers may dispense nine million gallons of gasoline per year or more. At nine million gallons, the potential risk could be around 25 in one million at 50 feet, dropping to about five in one million at 300 feet. Some facilities have throughputs as high as 19 million gallons.

#### Recommendation

- Avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

#### References

- *Gasoline Service Station Industry-wide Risk Assessment Guidelines*. California Air Pollution Control Officers Association (December 1997 and revised November 1, 2001)
- *Staff Report on Enhanced Vapor Recovery*. ARB (February 4, 2000)
- *The California Almanac of Emissions and Air Quality*. ARB (2004)
- *Staff Report on Enhanced Vapor Recovery Technology Review*. ARB (October 2002)

#### Other Facility Types that Emit Air Pollutants of Concern

In addition to source specific recommendations, Table 1-3 includes a list of other industrial sources that could pose a significant health risk to nearby sensitive individuals depending on a number of factors. These factors include the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place. Since these types of facilities are subject to air permits from local air districts, facility specific information should be obtained where there are questions about siting a sensitive land use close to an industrial facility.

#### Potential Sources of Odor and Dust Complaints

Odors and dust from commercial activities are the most common sources of air pollution complaints and concerns from the public. Land use planning and permitting processes should consider the potential impacts of odor and dust on surrounding land uses, and provide for adequate separation between odor and dust sources. As with other types of air pollution, a number of factors need to be considered when determining an adequate distance or mitigation to avoid odor or



**Table 1-3 – Examples of Other Facility Types That Emit<sup>1</sup> Air Pollutants of Concern**

<b>Categories</b>	<b>Facility Type</b>	<b>Air Pollutants of Concern</b>
Commercial	Autobody Shops	Metals, Solvents
	Furniture Repair	Solvents <sup>2</sup> , Methylene Chloride
	Film Processing Services	Solvents, Perchloroethylene
	Distribution Centers	Diesel Particulate Matter
	Printing Shops	Solvents
	Diesel Engines	Diesel Particulate Matter
Industrial	Construction	Particulate Matter, Asbestos
	Manufacturers	Solvents, Metals
	Metal Platers, Welders, Metal Spray (flame spray) Operations	Hexavalent Chromium, Nickel, Metals
	Chemical Producers	Solvents, Metals
	Furniture Manufacturers	Solvents
	Shipbuilding and Repair	Hexavalent chromium and other metals, Solvents
	Rock Quarries and Cement Manufacturers	Particulate Matter, Asbestos
	Hazardous Waste Incinerators	Dioxin, Solvents, Metals
	Power Plants	Benzene, Formaldehyde, Particulate Matter
	Research and Development Facilities	Solvents, Metals, etc.
Public	Landfills	Benzene, Vinyl Chloride, Diesel Particulate Matter
	Waste Water Treatment Plants	Hydrogen Sulfide
	Medical Waste Incinerators	Dioxin, Benzene, PAH, PCBs, 1,3-Butadiene
	Recycling, Garbage Transfer Stations	Diesel Particulate Matter
	Municipal Incinerators	Dioxin, Benzene, PAH, PCBs, 1,3-Butadiene
Transportation	Truck Stops	Diesel Particulate Matter
Agricultural Operations	Farming Operations	Diesel Particulate Matter, VOCs, NOx, PM10, CO, SOx, Pesticides
	Livestock and Dairy Operations	Ammonia, VOCs, PM10

<sup>1</sup>Not all facilities will emit pollutants of concern due to process changes or chemical substitution. Consult the local air district regarding specific facilities.

<sup>2</sup>Some solvents may emit toxic air pollutants, but not all solvents are toxic air contaminants.

dust complaints in a specific situation. Local air districts should be consulted for advice when these siting situations arise.

Table 1-4 lists some of the most common sources of odor complaints received by local air districts. Complaints about odors are the responsibility of local air districts and are covered under state law. The types of facilities that can cause odor complaints are varied and can range from small commercial facilities to large industrial facilities, and may include waste disposal and recycling operations. Odors can cause health symptoms such as nausea and headache. Facilities with odors may also be sources of toxic air pollutants (See Table 1-3). Some common sources of odors emitted by facilities are sulfur compounds, organic solvents, and the decomposition/digestion of biological materials. Because of the subjective nature of an individual's sensitivity to a particular type of odor, there is no specific rule for assigning appropriate separations from odor sources. Under the right meteorological conditions, some odors may still be offensive several miles from the source.

<b>Table 1-4 Sources of Odor Complaints</b>	
■	Sewage Treatment Plants
■	Landfills
■	Recycling Facilities
■	Waste Transfer Stations
■	Petroleum Refineries
■	Biomass Operations
■	Autobody Shops
■	Coating Operations
■	Fiberglass Manufacturing
■	Foundries
■	Rendering Plants
■	Livestock Operations

Sources of dust are also common sources of air pollution-related complaints. Operations that can result in dust problems are rock crushing, gravel production, stone quarrying, and mining operations. A common source of complaints is the dust and noise associated with blasting that may be part of these operations. Besides the health impacts of dust as particulate matter, thick dust also impairs visibility, aesthetic values, and can soil homes and automobiles. Local air districts typically have rules for regulating dust sources in their jurisdictions, but dust sources can still be a concern. Therefore, separation of these facilities from residential and other new sensitive land uses should be considered.

In some areas of California, asbestos occurs naturally in stone deposits. Asbestos is a potent carcinogenic substance when inhaled. Asbestos-containing dust may be a public health concern in areas where asbestos-containing rock is mined, crushed, processed, or used. Situations where asbestos-containing gravel has been used in road paving materials are also a source of asbestos exposure to the general public. Planners are advised to consult with local air pollution agencies in areas where asbestos-containing gravel or stone products are produced or used.

## 2. Handbook Development

ARB and local air districts share responsibility for improving statewide air quality. As a result of California's air pollution control programs, air quality has improved and health risk has been reduced statewide. However, state and federal air quality standards are still exceeded in many areas of California and the statewide health risk posed by toxic air contaminants (air toxics) remains too high. Also, some communities experience higher pollution exposures than others - making localized impacts, as well regional or statewide impacts, an important consideration. It is for this reason that this Handbook has been produced - to promote better, more informed decision-making by local land use agencies that will improve air quality and public health in their communities.

Land use policies and practices, including planning, zoning, and siting activities, can play a critical role in air quality and public health at the local level. For instance, even with the best available control technology, some projects that are sited very close to homes, schools, and other public places can result in elevated air pollution exposures. The reverse is also true – siting a new school or home too close to an existing source of air pollution can pose a public health risk. The ARB recommendations in section 1 address this issue.

*This Handbook is an informational document that we hope will strengthen the relationship between air quality and land use agencies. It highlights the need for land use agencies to address the potential for new projects to result in localized health risk or contribute to cumulative impacts where air pollution sources are concentrated.*

Avoiding these incompatible land uses is a key to reducing localized air pollution exposures that can result in adverse health impacts, especially to sensitive individuals.

Individual siting decisions that result in incompatible land uses are often the result of locating “sensitive” land uses next to polluting sources. These decisions can be of even greater concern when existing air pollution exposures in a community are considered. In general terms, this is often referred to as the issue of “cumulative impacts.” ARB is working with local air districts to better define these situations and to make information about existing air pollution levels (e.g., from local businesses, motor vehicles, and other areawide sources) more readily available to land use agencies.

In December 2001, the ARB adopted “Policies and Actions for Environmental Justice” (Policies). These Policies were developed in coordination with a group of stakeholders, representing local government agencies, community interest

groups, environmental justice organizations, academia, and business (Environmental Justice Stakeholders Group).

The Policies included a commitment to work with land use planners, transportation agencies, and local air districts to develop ways to identify, consider, and reduce cumulative air pollution emissions, exposure, and health risks associated with land use planning and decision-making. Developed under the auspices of the ARB's Environmental Justice Stakeholders Group, this Handbook is a first step in meeting that commitment.

ARB has produced this Handbook to help achieve several objectives:

- Provide recommendations on situations to avoid when siting new residences, schools, day care centers, playgrounds, and medical-related facilities (sensitive sites or sensitive land uses);
- Identify approaches that land use agencies can use to prevent or reduce potential air pollution impacts associated with general plan policies, new land use development, siting, and permitting decisions;
- Improve and facilitate access to air quality data and evaluation tools for use in the land use decision-making process;
- Encourage stronger collaboration between land use agencies and local air districts to reduce community exposure to source-specific and cumulative air pollution impacts; and
- Emphasize community outreach approaches that promote active public involvement in the air quality/land use decision-making process.

This Handbook builds upon California's 2003 General Plan Guidelines. These Guidelines, developed by the Governor's Office of Planning and Research (OPR), explain the land use planning process and applicable legal requirements. This Handbook also builds upon a 1997 ARB report, "The Land Use-Air Quality Linkage" ("Linkage Report").<sup>9</sup> The Linkage Report was an outgrowth of the California Clean Air Act which, among other things, called upon local air districts to focus particular attention on reducing emissions from sources that indirectly cause air pollution by attracting vehicle trips. Such indirect sources include, but are not limited to, shopping centers, schools and universities, employment centers, warehousing, airport hubs, medical offices, and sports arenas. The Linkage Report summarizes data as of 1997 on the relationships between land use, transportation, and air quality, and highlights strategies that can help to reduce the use of single occupancy automobile use. Such strategies

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<sup>9</sup> To access this report, please refer to ARB's website or click on:  
<http://www.arb.ca.gov/ch/programs/link97.pdf>

complement ARB regulatory programs that continue to reduce motor vehicle emissions.

In this Handbook, we identify types of air quality-related information that we recommend land use agencies consider in the land use decision-making processes such as the development of regional, general, and community plans; zoning ordinances; environmental reviews; project siting; and permit issuance. The Handbook provides recommendations on the siting of new sensitive land uses based on current analyses. It also contains information on approaches and methodologies for evaluating new projects from an air pollution perspective.

The Handbook looks at air quality issues associated with emissions from industrial, commercial, and mobile sources of air pollution. Mobile sources continue to be the largest overall contributors to the state's air pollution problems, representing the greatest air pollution health risk to most Californians. Based on current health risk information for air toxics, the most serious pollutants on a statewide basis are diesel PM, benzene, and 1,3-butadiene, all of which are primarily emitted by motor vehicles. From a state perspective, ARB continues to pursue new strategies to further reduce motor vehicle-related emissions in order to meet air quality standards and reduce air toxics risk.

While mobile sources are the largest overall contributors to the state's air pollution problems, industrial and commercial sources can also pose a health risk, particularly to people near the source. For this reason, the issue of incompatible land uses is an important focus of this document.

#### **Handbook Audience**

Even though the primary users of the Handbook will likely be agencies responsible for air quality and land use planning, we hope the ideas and technical issues presented in this Handbook will also be useful for:

- public and community organizations and community residents;
- federal, state and regional agencies that fund, review, regulate, oversee, or otherwise influence environmental policies and programs affected by land use policies; and
- private developers.

### 3. Key Community Focused Issues Land Use Agencies Should Consider

Two key air quality issues that land use agencies should consider in their planning, zoning, and permitting processes are:

- 1) **Incompatible Land Uses.** Localized air pollution impacts from incompatible land use can occur when polluting sources, such as a heavily trafficked roadway, warehousing facilities, or industrial or commercial facilities, are located near a land use where sensitive individuals are found such as a school, hospital, or homes.
- 2) **Cumulative Impacts.** Cumulative air pollution impacts can occur from a concentration of multiple sources that individually comply with air pollution control requirements or fall below risk thresholds, but in the aggregate may pose a public health risk to exposed individuals. These sources can be heavy or light-industrial operations, commercial facilities such as autobody shops, large gas dispensing facilities, dry cleaners, and chrome platers, and freeways or other nearby busy transportation corridors.

#### **Incompatible Land Uses**

Land use policies and practices can worsen air pollution exposure and adversely affect public health by mixing incompatible land uses. Examples include locating new sensitive land uses, such as housing or schools, next to small metal plating facilities that use a highly toxic form of chromium, or very near large industrial facilities or freeways. Based on recent monitoring and health-based studies, we now know that air quality impacts from incompatible land uses can contribute to increased risk of illness, missed work and school, a lower quality of life, and higher costs for public health and pollution control.<sup>10</sup>

Avoiding incompatible land uses can be a challenge in the context of mixed-use industrial and residential zoning. For a variety of reasons, government agencies and housing advocates have encouraged the proximity of affordable housing to employment centers, shopping areas, and transportation corridors, partially as a means to reduce vehicle trips and their associated emissions. Generally speaking, typical distances in mixed-use communities between businesses and industries and other land uses such as homes and schools, should be adequate to avoid health risks. However, generalizations do not always hold as we addressed in section 1 of this Handbook.

In terms of siting air pollution sources, the proposed location of a project is a major factor in determining whether it will result in localized air quality impacts. Often, the problem can be avoided by providing an adequate distance or setback

<sup>10</sup> For more information, the reader should refer to ARB's website on community health: <http://www.arb.ca.gov/ch/ch.htm>

between a source of emissions and nearby sensitive land uses. Sometimes, suggesting project design changes or mitigation measures in the project review phase can also reduce or avoid potential impacts. This underscores the importance of addressing potential incompatible land uses as early as possible in the project review process, ideally in the general plan itself.

### **Cumulative Air Pollution Impacts**

The broad concept of cumulative air pollution impacts reflects the combination of regional air pollution levels and any localized impacts. Many factors contribute to air pollution levels experienced in any location. These include urban background air pollution, historic land use patterns, the prevalence of freeways and other transportation corridors, the concentration of industrial and commercial businesses, and local meteorology and terrain.

When considering the potential air quality impacts of polluting sources on individuals, project location and the concentration of emissions from air pollution sources need to be considered in the land use decision-making process. In section 4, the Handbook offers a series of questions that helps land use agencies determine if a project should undergo a more careful analysis. This holds true regardless of whether the project being sited is a polluting source or a sensitive land use project.

Large industrial areas are not the only land uses that may result in public health concerns in mixed-use communities. Cumulative air pollution impacts can also occur if land uses do not adequately provide setbacks or otherwise protect sensitive individuals from potential air pollution impacts associated with nearby light industrial sources. This can occur with activities such as truck idling and traffic congestion, or from indirect sources such as warehousing facilities that are located in a community or neighborhood.

In October 2004, Cal/EPA published its Environmental Justice Action Plan. In February 2005, the Cal/EPA Interagency Working Group approved a working definition of "cumulative impacts" for purposes of initially guiding the pilot projects that are being conducted pursuant to that plan. Cal/EPA is now in the process of developing a Cumulative Impacts Assessment Guidance document. Cal/EPA will revisit the working definition of "cumulative impacts" as the Agency develops that guidance. The following is the working definition:

*"Cumulative impacts means exposures, public health or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally, or otherwise released. Impacts will take into account sensitive populations and socio-economic factors, where applicable, and to the extent data are available."*

#### **4. Mechanisms for Integrating Localized Air Quality Concerns Into Land Use Processes**

Land use agencies should use each of their existing planning, zoning, and permitting authorities to address the potential health risk associated with new projects. Land use-specific mechanisms can go a long way toward addressing both localized and cumulative impacts from new air pollution sources that are not otherwise addressed by environmental regulations. Likewise, close collaboration and communication between land use agencies and local air districts in both the planning and project approval stages can further reduce these impacts. Local agency partnerships can also result in early identification of potential impacts from proposed activities that might otherwise escape environmental review. When this happens, pollution problems can be prevented or reduced before projects are approved, when it is less complex and expensive to mitigate.

The land use entitlement process requires a series of planning decisions. At the highest level, the General Plan sets the policies and direction for the jurisdiction, and includes a number of mandatory elements dealing with issues such as housing, circulation, and health hazards. Zoning is the primary tool for implementing land use policies. Specific or community plans created in conjunction with a specific project also perform many of the same functions as a zoning ordinance. Zoning can be modified by means of variances and conditional use permits. The latter are frequently used to insure compatibility between otherwise conflicting land uses. Finally, new development usually requires the approval of a parcel or tract map before grading and building permits can be issued. These parcel or tract maps must be consistent with the applicable General Plan, zoning and other standards.

Land use agencies can use their planning authority to separate industrial and residential land uses, or to require mitigation where separation is not feasible. By separating incompatible land uses, land use agencies can prevent or reduce both localized and cumulative air pollution impacts without denying what might otherwise be a desirable project.<sup>11</sup> For instance:

- a dry cleaner could open a storefront operation in a community with actual cleaning operations performed at a remote location away from residential areas;
- gas dispensing facilities with lower fuel throughput could be sited in mixed-use areas;
- enhanced building ventilation or filtering systems in schools or senior care centers can reduce ambient air from nearby busy arterials; or
- landscaping and regular watering can be used to reduce fugitive dust at a building construction site near a school yard.

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<sup>11</sup> It should be noted that such actions should also be considered as part of the General Plan or Plan element process.



The following general and specific land use approaches can help to reduce potential adverse air pollution impacts that projects may have on public health.

### **General Plans**

The primary purpose of planning, and the source of government authority to engage in planning, is to protect public health, safety, and welfare. In its most basic sense, a local government General Plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, forming the basis for most land use decisions. Therefore, the most effective mechanism for dealing with the central land use concept of compatibility and its relationship to cumulative air pollution impacts is the General Plan. Well before projects are proposed within a jurisdiction, the General Plan sets the stage for where projects can be sited, and their compatibility with comprehensive community goals, objectives, and policies.

In 2003, OPR revised its General Plan Guidelines, highlighting the importance of incorporating sustainable development and environmental justice policies in the planning process. The OPR General Plan Guidelines provides an effective and long-term approach to reduce cumulative air pollution impacts at the earliest planning stages. In light of these important additions to the Guidelines, land use agencies should consider updating their General Plans or Plan elements to address these revisions.

The General Plan and related Plan elements can be used to avoid incompatible land uses by incorporating air quality considerations into these documents. For instance, a General Plan safety element with an air quality component could be used to incorporate policies or objectives that are intended to protect the public from the potential for facility breakdowns that may result in a dangerous release of air toxics. Likewise, an air quality component to the transportation circulation element of the General Plan could include policies or standards to prevent or reduce local exposure to diesel exhaust from trucks and other vehicles. For instance, the transportation circulation element could encourage the construction of alternative routes away from residential areas for heavy-duty diesel trucks. By considering the relationship between air quality and transportation, the circulation element could also include air quality policies to prevent or reduce trips and travel, and thus vehicle emissions. Policies in the land use element of the General Plan could identify areas appropriate for future industrial, commercial, and residential uses. Such policies could also introduce design and distance parameters that reduce emissions, exposure, and risk from industrial and some commercial land uses (e.g., dry cleaners) that are in close proximity to residential areas or schools.

Land use agencies should also consider updating or creating an air quality element in the jurisdiction's General Plan. In the air quality element, local decision-makers could develop long-term, effective plans and policies to address

air quality issues, including cumulative impacts. The air quality element can also provide a general reference guide that informs local land use planners about regional and community level air quality, regulatory air pollution control requirements and guidelines, and references emissions and pollution source data bases and assessment and modeling tools. As is further described in Appendix C of the Handbook, new assessment tools that ARB is developing can be included into the air quality element by reference. For instance, ARB's statewide risk maps could be referenced in the air quality element as a resource that could be consulted by developers or land use agencies

### **Zoning**

The purpose of "zoning" is to separate different land uses. Zoning ordinances establish development controls to ensure that private development takes place within a given area in a manner in which:

- All uses are compatible (e.g., an industrial plant is not permitted in a residential area);
- Common development standards are used (e.g., all homes in a given area are set back the same minimum distance from the street); and,
- Each development does not unreasonably impose a burden upon its neighbors (e.g., parking is required on site so as not to create neighborhood parking problems).

To do this, use districts called "zones" are established and standards are developed for these zones. The four basic zones are residential, commercial, industrial and institutional.

Land use agencies may wish to consider how zoning ordinances, particularly those for mixed-use areas, can be used to avoid exacerbating poor land use practices of the past or contributing to localized and cumulative air pollution impacts in the community.

Sometimes, especially in mixed-use zones, there is a potential for certain categories of existing businesses or industrial operations to result in cumulative air pollution impacts to new development projects. For example:

- An assisted living project is proposed for a mixed-use zone adjacent to an existing chrome plating facility, or several dry cleaners;
- Multiple industrial sources regulated by a local air district are located directly upwind of a new apartment complex;
- A new housing development is sited in a mixed-use zone that is downwind or adjacent to a distribution center that attracts diesel-fueled delivery trucks and TRUs; or
- A new housing development or sensitive land use is sited without adequate setbacks from an existing major transportation corridor or rail yard.

As part of the public process for making zoning changes, local land use agencies could work with community planning groups, local businesses, and community residents to determine how best to address existing incompatible land uses.

### **Land Use Permitting Processes**

#### **■ Questions to Consider When Reviewing New Projects**

Very often, just knowing what questions to ask can yield critical information about the potential air pollution impacts of proposed projects – both from the perspective of a specific project as well as in the nature of existing air pollution sources in the same impact area. Available land use information can reveal the proximity of air pollution sources to sensitive individuals, the potential for incompatible land uses, and the location and nature of nearby air pollution sources. Air quality data, available from the ARB and local air districts, can provide information about the types and amounts of air pollution emitted in an area, regional air quality concentrations, and health risk estimates for specific sources.

General Plans and zoning maps are an excellent starting point in reviewing project proposals for their potential air pollution impacts. These documents contain information about existing or proposed land uses for a specific location as well as the surrounding area. Often, just looking at a map of the proposed location for a facility and its surrounding area will help to identify a potential adjacent incompatible land use.

The following pages are a “pull-out” list of questions to consider along with cross-references to pertinent information in the Handbook. These questions are intended to assist land use agencies in evaluating potential air quality-related concerns associated with new project proposals.

The first group of questions contains project-related queries designed to help identify the potential for localized project impacts, particularly associated with incompatible land uses. The second group of questions focuses on the issue of potential cumulative impacts by including questions about existing emissions and air quality in the community, and community feedback. Depending on the answers to these questions, a land use agency may decide a more detailed review of the proposal is warranted.

The California Department of Education has already developed a detailed process for school siting which is outlined in Appendix E. However, school districts may also find this section helpful when evaluating the most appropriate site for new schools in their area. At a minimum, using these questions may encourage school districts to engage throughout their siting process with land use agencies and local air districts. The combined expertise of these entities can be useful in devising relevant design standards and mitigation measures that can

reduce exposure to cumulative emissions, exposure, and health risk to students and school workers.

As indicated throughout the Handbook, we strongly encourage land use agencies to consult early and often with local air districts. Local air districts have the expertise, many of the analytical tools, and a working knowledge of the sources they regulate. It is also critical to fully involve the public and businesses that could be affected by the siting decision. The questions provided in the chart below do not imply any particular action should be taken by land use agencies. Rather the questions are intended to improve the assessment process and facilitate informed decision-making.

■ **Project-Related Questions**

This section includes project-related questions that, in conjunction with the questions in the next section, can be used to tailor the project evaluation. These questions are designed to help identify the potential for incompatible land uses from localized project impacts.

**Questions to Consider When Reviewing New Projects**

Project-Related Questions	Cross-Reference to Relevant Handbook Sections
1. Is the proposed project: <ul style="list-style-type: none"> <li>▲ A business or commercial license renewal</li> <li>▲ A new or modified commercial project</li> <li>▲ A new or modified industrial project</li> <li>▲ A new or modified public facility project</li> <li>▲ A new or modified transportation project</li> <li>▲ A housing or other development in which sensitive individuals may live or play</li> </ul>	See Appendix A for typical land use classifications and associated project categories that could emit air pollutants.
2. Does the proposed project: <ul style="list-style-type: none"> <li>▲ Conform to the zoning designation?</li> <li>▲ Require a variance to the zoning designation?</li> <li>▲ Include plans to expand operations over the life of the business such that additional emissions may increase the pollution burden in the community (e.g., from additional truck operations, new industrial operations or process lines, increased hours of operation, build-out to the property line, etc.)?</li> </ul>	See Appendix F for a general explanation of land use processes. In addition, Section 3 contains a discussion of how land use planning, zoning, and permitting practices can result in incompatible land uses or cumulative air pollution impacts.
3. Has the local air district provided comments or information to assist in the analysis?	See Section 5 and Appendix C for a description of air quality-related tools that the ARB and local air districts use to provide information on potential air pollution impacts.
4. Have public meetings been scheduled with the affected community to solicit their involvement in the decision-making process for the proposed project?	See Section 7 for a discussion of public participation, information and outreach tools.
5. If the proposed project will be subject to local air district regulations: <ul style="list-style-type: none"> <li>▲ Has the project received a permit from the local air district?</li> <li>▲ Would it comply with applicable local air district requirements?</li> <li>▲ Is the local air district contemplating new regulations that would reduce emissions from the source over time?</li> <li>▲ Will potential emissions from the project</li> </ul>	See Appendix C for a description of local air district programs.

Project-Related Questions	Cross-Reference to Relevant Handbook Sections
<p>trigger the local air district's new source review for criteria pollutants or air toxics emissions?</p> <ul style="list-style-type: none"> <li>▲ Is the local air district expected to ask the proposed project to perform a risk assessment?</li> <li>▲ Is there sufficient new information or public concern to call for a more thorough environmental analysis of the proposed project?</li> <li>▲ Are there plans to expand operations over time?</li> <li>▲ Are there land-use based air quality significance thresholds or design standards that could be applied to this project in addition to applicable air district requirements?</li> </ul>	
<p>6. If the proposed project will release air pollution emissions, either directly or indirectly, but is not regulated by the local air district:</p> <ul style="list-style-type: none"> <li>▲ Is the local air district informed of the project?</li> <li>▲ Does the local air district believe that there could be potential air pollution impacts associated with this project category because of the proximity of the project to sensitive individuals?</li> <li>▲ If the project is one in which individuals live or play (e.g., a home, playground, convalescent home, etc.), does the local air district believe that the project's proximity to nearby sources could pose potential air pollution impacts?</li> <li>▲ Are there indirect emissions that could be associated with the project (e.g., truck traffic or idling, transport refrigeration unit operations, stationary diesel engine operations, etc.) that will be in close proximity to sensitive individuals?</li> <li>▲ Will the proposed project increase or serve as a magnet for diesel traffic?</li> <li>▲ Are there land-use based air quality significance thresholds or design standards that could be applied to this project in addition to applicable air district requirements?</li> <li>▲ Is there sufficient new information or public concern to call for a more thorough environmental analysis of the proposed project?</li> <li>▲ Should the site approval process include identification and mitigation of potential</li> </ul>	<p>See Section 1 for recommendations on situations to avoid when siting projects where sensitive individuals would be located (sensitive sites).</p>

Project-Related Questions	Cross-Reference to Relevant Handbook Sections
<p>direct or indirect emissions associated with the potential project?</p>	
<p>7. Does the local air district or land use agency have pertinent information on the source, such as:</p> <ul style="list-style-type: none"> <li>▲ Available permit and enforcement data, including for the owner or operator of the proposed source that may have other sources in the State.</li> <li>▲ Proximity of the proposed project to sensitive individuals.</li> <li>▲ Number of potentially exposed individuals from the proposed project.</li> <li>▲ Potential for the proposed project to expose sensitive individuals to odor or other air pollution nuisances.</li> <li>▲ Meteorology or the prevailing wind patterns between the proposed project and the nearest receptor, or between the proposed sensitive receptor project and sources that could pose a localized or cumulative air pollution impact.</li> </ul>	<p>See Appendix C for a description of local air district programs.</p> <p>See Appendix B for a listing of useful information that land use agencies should have on hand or have accessible when reviewing proposed projects for potential air pollution impacts.</p> <p>Also, do not hesitate to contact your local air district regarding answers to any of these questions that might not be available at the land use agency.</p> <p>See Section 1 for recommendations on situations to avoid when siting projects where sensitive individuals would be located (sensitive sites).</p>
<p>8. Based upon the project application, its location, and the nature of the source, could the proposed project:</p> <ul style="list-style-type: none"> <li>▲ Be a polluting source that is located in proximity to, or otherwise upwind, of a location where sensitive individuals live or play?</li> <li>▲ Attract sensitive individuals and be located in proximity to or otherwise downwind, of a source or multiple sources of pollution, including polluting facilities or transportation-related sources that contribute emissions either directly or indirectly?</li> <li>▲ Result in health risk to the surrounding community?</li> </ul>	<p>See Section 3 for a discussion of what is an incompatible land use and the potential cumulative air pollution impacts.</p> <p>See Section 1 for recommendations on situations to avoid when siting projects where sensitive individuals would be located (sensitive sites).</p>
<p>9. If a CEQA categorical exemption is proposed, were the following questions considered:</p> <ul style="list-style-type: none"> <li>▲ Is the project site environmentally sensitive as defined by the project's location? (A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.)</li> <li>▲ Would the project and successive future projects of the same type in the approximate location potentially result in cumulative impacts?</li> <li>▲ Are there "unusual circumstances" creating the possibility of significant effects?</li> </ul>	<p>See CEQA Guidelines section 15300, and Public Resources Code, section 21084.</p> <p>See Section 1 for recommendations on situations to avoid when siting projects where sensitive individuals would be located (sensitive sites).</p> <p>See also Section 5 and Appendix C for a description of air quality-related tools that the ARB and local air districts use to provide information on potential air pollution impacts.</p>

■ **Questions Related to Cumulative Impact Assessment**

The following questions can be used to provide the decision-maker with a better understanding of the potential for cumulative air pollution impacts to an affected community. Answers to these questions will help to determine if new projects or activities warrant a more detailed review. It may also help to see potential environmental concerns from the perspective of the affected community. Additionally, responses can provide local decision-makers with information with which to assess the best policy options for addressing neighborhood-scale air pollution concerns.

The questions below can be used to identify whether existing tools and procedures are adequate to address land use-related air pollution issues. This process can also be used to pinpoint project characteristics that may have the greatest impact on community-level emissions, exposure, and risk. Such elements can include: the compliance record of existing sources including those owned or operated by the project proponent; the concentration of emissions from polluting sources within the approximate area of sensitive sites; transportation circulation in proximity to the proposed project; compatibility with the General Plan and General Plan elements; etc.

The local air district can provide useful assistance in the collection and evaluation of air quality-related information for some of the questions and should be consulted early in the process.

**Questions Related to Cumulative Impact Assessment**

Technical Questions	Cross-Reference to Relevant Handbook Sections
1. Is the community home to industrial facilities?	See Appendix A for typical land use classifications and associated project categories that could emit air pollutants.
2. Do one or more major freeways or high-traffic volume surface streets cut through the community?	See transportation circulation element of your general plan. See also Appendix B for useful information that land use agencies should have on hand or have accessible when reviewing proposed projects for potential air pollution impacts.  See Section 1 for recommendations on situations to avoid when siting projects where sensitive individuals would be located (sensitive sites).
3. Is the area classified for mixed-use zoning?	See your general plan and zoning ordinances.
4. Is there an available list of air pollution sources in the community?	Contact your local air district.
5. Has a walk-through of the community been conducted to gather the following information:	See Appendix B for a listing of useful information that land use agencies



Technical Questions	Cross-Reference to Relevant Handbook Sections
<ul style="list-style-type: none"> <li>▲ Corroborate available information on land use activities in the area (e.g., businesses, housing developments, sensitive individuals, etc.)?</li> <li>▲ Determine the proximity of existing and anticipated future projects to residential areas or sensitive individuals?</li> <li>▲ Determine the concentration of emission sources (including anticipated future projects) to residential areas or sensitive individuals?</li> </ul>	<p>should have on hand or have accessible when reviewing proposed projects for potential air pollution impacts. Also contact your local air district.</p>
<p>6. Has the local air district been contacted to obtain information on sources in the community?</p>	<p>See Section 7 for a discussion of public participation, information and outreach tools.</p>
<p>7. What categories of commercial establishments are currently located in the area and does the local air district have these sources on file as being regulated or permitted?</p>	<p>See Appendix A for typical land use classifications and associated project categories that could emit air pollutants. Also contact your local air district.</p>
<p>8. What categories of indirect sources such as distribution centers or warehouses are currently located in the area?</p>	<p>See Appendix A for typical land use classifications and associated project categories that emit air pollutants.</p>
<p>9. What air quality monitoring data are available?</p>	<p>Contact your local air district.</p>
<p>10. Have any risk assessments been performed on emission sources in the area?</p>	<p>Contact your local air district.</p>
<p>11. Does the land use agency have the capability of applying a GIS spatial mapping tool that can overlay zoning, sub-development information, and other neighborhood characteristics, with air pollution and transportation data?</p>	<p>See Appendix B for a listing of useful information that land use agencies should have on hand or have accessible when reviewing proposed projects for potential air pollution impacts. Also contact your local air district for tools that can be used to supplement available land use agency tools.</p>
<p>12. Based on available information, is it possible to determine if the affected community or neighborhood experiences elevated health risk due to a concentration of air pollution sources in close proximity, and if not, can the necessary information be obtained?</p>	<p>Contact your local air district. Also see Section 1 for recommendations on situations to avoid when siting projects where sensitive individuals would be located (sensitive sites).</p>
<p>13. Does the community have a history of chronic complaints about air quality?</p>	<p>See Section 7 for a discussion of public participation, information and outreach tools. Also contact your local air district.</p>
<p>14. Is the affected community included in the public participation process for the agency's decision?</p>	<p>See Section 7 for a discussion of public participation, information and outreach tools.</p>
<p>15. Have community leaders or groups been contacted about any pre-existing or chronic community air quality concerns?</p>	<p>See Section 7 for a discussion of public participation, information and outreach tools. Also contact your local air district.</p>

### ■ Mitigation Approaches

In addition to considering the suitability of the project location, opportunities for mitigation of air pollution impacts should be considered. Sometimes, a land use agency may find that selection of a different project location to avoid a health risk is not feasible. When that happens, land use agencies should consider design improvements or other strategies that would reduce the risk. Such strategies could include performance or design standards, consultation with local air districts and other agencies on appropriate actions that these agencies should, or plan to, undertake, and consultation and outreach in the affected community. Potential mitigation measures should be feasible, cost-effective solutions within the available resources and authority of implementing agencies to enforce.<sup>12</sup>

### ■ Conditional Use Permits and Performance Standards

Some types of land uses are only allowed upon approval of a conditional use permit (also called a CUP or special use permit). A conditional use permit does not re-zone the land but specifies conditions under which a particular land use will be permitted. Such land uses could be those with potentially significant environmental impacts. Local zoning ordinances specify the uses for which a conditional use permit is required, the zones they may be allowed in, and public hearing procedures. The conditional use permit imposes special requirements to ensure that the use will not be detrimental to its surroundings.

In the context of land use planning, performance standards are requirements imposed on projects or project categories through conditional use permits to ensure compliance with general plan policies and local ordinances. These standards could apply to such project categories as distribution centers, very large gas dispensing facilities, autobody shops, dry cleaners, and metal platers. Land use agencies may wish to consider adding land use-based performance standards to zoning ordinances in existing mixed-use communities for certain air pollution project categories. Such standards would provide certainty and equitable treatment to all projects of a similar nature, and reserve the more resource intensive conditional or special use permits to projects that require a more detailed analysis. In developing project design or performance standards, land use agencies should consult with the local air district. Early and regular consultation can avoid duplication or inconsistency with local air district control requirements when considering the site-specific design and operation of a project.

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<sup>12</sup> A land use agency has the authority to condition or deny a project based upon information collected and evaluated through the land use decision-making process. However, any denial would need to be based upon identifiable, generally applicable, articulated standards set forth in the local government's General Plan and zoning codes. One way of averting this is to conduct early and regular outreach to the community and the local air district so that community and environmental concerns can be addressed and accommodated into the project proposal.

Examples of land use-based air quality-specific performance standards include the following:

- Placing a process vent away from the direction of the local playground that is nearby or increasing the stack height so that emissions are dispersed to reduce the emissions impact on surrounding homes or schools.
- Setbacks between the project fence line and the population center.
- Limiting the hours of operation of a facility to avoid excess emissions exposure or foul odors to nearby individuals.
- An ordinance that requires fleet operators to use cleaner vehicles before project approval (if a new business), or when expanding the fleet (if an existing business); and
- Providing alternate routes for truck operations that discourage detours into residential neighborhoods.

### **Outreach to Other Agencies**

When questions arise regarding the air quality impacts of projects, including potential cumulative impacts, land use agencies should consult the local air district. Land use agencies should also consider the following suggestions to avoid creating new incompatible land uses:

- Consult with the local air district to help determine if emissions from a particular project will adversely impact sensitive individuals in the area, if existing or future effective regulations or permit requirements will affect the proposed project or other sources in the vicinity of the proposed project, or if additional inspections should be required.
  - Check with ARB for new information and modeling tools that can help evaluate projects seeking to site within your jurisdiction.
  - Become familiar with ARB's Land Use-Air Quality Linkage Report to determine whether approaches and evaluation tools contained in the Report can be used to reduce transportation-related impacts on communities.
  - Contact and collaborate with other state agencies that play a role in the land use decision-making process, e.g., the State Department of Education, the California Energy Commission, and Caltrans. These agencies have information on mitigation measures and mapping tools that could be useful in addressing local problems.
- **Information Clearinghouse**
- Land use agencies can refer to the ARB statewide electronic information clearinghouse for information on what measures other jurisdictions are using to address comparable issues or sources.<sup>13</sup>

<sup>13</sup> This information can be accessed from ARB's website by going to:  
<http://www.arb.ca.gov/ch/clearinghouse.htm>

The next section addresses available air quality assessment tools that land use agencies can use to evaluate the potential for localized or cumulative impacts in their communities.

## 5. Available Tools to Evaluate Cumulative Air Pollution Emissions and Risk

Until recently, California has traditionally approached air pollution control from the perspective of assessing whether the pollution was regional, category-specific, or from new or existing sources. This methodology has been generally effective in reducing statewide and regional air pollution impacts and risk levels. However, such an incremental, category-by-category, source-by-source approach may not always address community health impacts from multiple sources - including mobile, industrial, and commercial facilities.

As a result of air toxics and children's health concerns over the past several years, ARB and local air districts have begun to develop new tools to evaluate and inform the public about cumulative air pollution impacts at the community level. One aspect of ARB's programs now underway is to consolidate and make accessible air toxics emissions and monitoring data by region, using modeling tools and other analytical techniques to take a preliminary look at emissions, exposure, and health risk in communities.

ARB has developed multiple tools to assist local air districts perform assessments of cumulative emissions, exposure, and risk on a neighborhood scale. These tools include:

- Regional risk maps that show trends in potential cancer risk from toxic air pollutants in southern and central California between 1990 and 2010. These maps are based on the U.S. EPA's ASPEN model. These maps provide an estimate of background levels of toxic air pollutant risk but are not detailed enough to assess individual neighborhoods or facilities.<sup>14</sup>
- The Community Health Air Pollution Information System (CHAPIS) is a user-friendly, Internet-based system for displaying information on emissions from sources of air pollution in an easy to use mapping format. CHAPIS contains information on air pollution emissions from selected large facilities and small businesses that emit criteria and toxic air pollutants. It also contains information on air pollution emissions from motor vehicles. When released in 2004, CHAPIS did not contain information on every source of air pollution or every air pollutant. However, ARB continues to work with local air districts to include all of the largest air pollution sources and those with the highest documented air pollution risk. Additional facilities will be added to CHAPIS as more data become available.<sup>15</sup>

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<sup>14</sup> For further information on these maps, please visit ARB's website at:  
<http://www.arb.ca.gov/toxics/cti/hlthrisk/hlthrisk.htm>

<sup>15</sup> For further information on CHAPIS, please click on:  
<http://www.arb.ca.gov/ch/chapis1/chapis1.htm>

- The Hot Spots Analysis and Reporting Program (HARP) is a software database package that evaluates emissions from one or more facilities to determine the overall health risk posed by the facility(-ies) on the surrounding community. Proper use of HARP ensures that the risk assessment meets the latest risk assessment guidelines published by the State Office of Environmental Health Hazard Assessment (OEHHA). HARP is designed with air quality professionals in mind and is available from the ARB.
- The Urban Emissions Model (URBEMIS) is a computer program that can be used to estimate emissions associated with land development projects in California such as residential neighborhoods, shopping centers, office buildings, and construction projects. URBEMIS uses emission factors available from the ARB to estimate vehicle emissions associated with new land uses.

Local air districts, and others can use these tools to assess a new project, or plan revision. For example, these tools can be used to:

- Identify if there are multiple sources of air pollution in the community;
- Identify the major sources of air pollution in the area under consideration;
- Identify the background potential cancer risk from toxic air pollution in the area under consideration;
- Estimate the risk from a new facility and how it adds to the overall risk from other nearby facilities; and
- Provide information to decision-makers and key stakeholders on whether there may be significant issues related to cumulative emissions, exposure, and health risk due to a permitting or land use decision.

If an air agency wishes to perform a cumulative air pollution impact analysis using any of these tools, it should consult with the ARB and/or the local air district to obtain information or assistance on the data inputs and procedures necessary to operate the program. In addition, land use agencies could consult with local air districts to determine the availability of land use and air pollution data for entry into an electronic Geographical Information System (GIS) format. GIS is an easier mapping tool than the more sophisticated models described in Appendix C. GIS mapping makes it possible to superimpose land use with air pollution information so that the spatial relationship between air pollution sources, sensitive receptors, and air quality can be visually represented. Appendix C provides a general description of the impact assessment process and micro-scale, or community level modeling tools that are available to evaluate potential cumulative air pollution impacts. Modeling protocols will be accessible on ARB's website as they become available. The ARB will also provide land use agencies and local air districts with statewide regional modeling results and information regarding micro-scale modeling.

## 6. ARB Programs to Reduce Air Pollution in Communities

ARB's regulatory programs reduce air pollutant emissions through statewide strategies that improve public health in all California communities. ARB's overall program addresses motor vehicles, consumer products, air toxics, air-quality planning, research, education, enforcement, and air monitoring. Community health and environmental justice concerns are a consideration in all these programs. ARB's programs are statewide but recognize that extra efforts may be needed in some communities due to historical mixed land-use patterns, limited participation in public processes in the past, and a greater concentration of air pollution sources in some communities.

ARB's strategies are intended to result in better air quality and reduced health risk to residents throughout California. The ARB's priority is to prevent or reduce the public's exposure to air pollution, including from toxic air contaminants that pose the greatest risk, particularly to infants and children who are more vulnerable to air pollution.

In October 2003, ARB updated its statewide control strategy to reduce emissions from source categories within its regulatory authority. A primary focus of the strategy is to achieve federal and state air quality standards for ozone and particulate matter throughout California, and to reduce health risk from diesel PM. Along with local air districts, ARB will continue to address air toxics emissions from regulated sources (see Table 6-1 for a summary of ARB activities). As indicated earlier, ARB will also provide analytical tools and information to land use agencies and local air districts to help assess and mitigate cumulative air pollution impacts.

The ARB will continue to consider the adoption of or revisions to needed air toxics control measures as part of the state's ongoing air toxics assessment program.<sup>16</sup>

As part of its effort to reduce particulate matter and air toxics emissions from diesel PM, the ARB has developed a Diesel Risk Reduction Program<sup>17</sup> that lays out several strategies in a three-pronged approach to reduce emissions and their associated risk:

- Stringent emission standards for all new diesel-fueled engines;
- Aggressive reductions from in-use engines; and
- Low sulfur fuel that will reduce PM and still provide the quality of diesel fuel needed to control diesel PM.

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<sup>16</sup> For continuing information and updates on state measures, the reader can refer to ARB's website at <http://www.arb.ca.gov/toxics/toxics.htm>.

<sup>17</sup> For a comprehensive description of the program, please refer to ARB's website at <http://www.arb.ca.gov/diesel/diesellrrp.htm>.

**Table 6-1  
ARB ACTIONS TO ADDRESS  
CUMULATIVE AIR POLLUTION IMPACTS IN COMMUNITIES**

**Information Collection**

- Improve emission inventories, air monitoring data, and analysis tools that can help to identify areas with high cumulative air pollution impacts
- Conduct studies in coordination with OEHHA on the potential for cancer and non-cancer health effects from air pollutants emitted by specific source categories
- Establish web-based clearinghouse for local land use strategies

**Emission Reduction Approaches (2004-2006)\***

- Through a public process, consider development and/or amendment of regulations and related guidance to reduce emissions, exposure, and health risk at a statewide and local level for the following sources:
  - Diesel PM sources such as stationary diesel engines, transport refrigeration units, portable diesel engines, on-road public fleets, off-road public fleets, heavy-duty diesel truck idling, harbor craft vessels, waste haulers
  - Other air toxics sources, such as formaldehyde in composite wood products, hexavalent chromium for chrome plating and chromic acid anodizing, thermal spraying, and perchloroethylene dry cleaning
- Develop technical information for the following:
  - Distribution centers
  - Modeling tools such as HARP and CHAPIS
- Adopt rules and pollution prevention initiatives within legal authority to reduce emissions from mobile sources and fuels, and consumer products
- Develop and maintain Air Quality Handbook as a tool for use by land use agencies and local air districts to address cumulative air pollution impacts

**Other Approaches**

- Establish guidelines for use of statewide incentive funding for high priority mobile source emission reduction projects

\*Because ARB will continue to review the need to adopt or revise statewide measures, the information contained in this chart will be updated on an ongoing basis.

A number of ARB's diesel risk reduction strategies have been adopted. These include measures to reduce emissions from refuse haulers, urban buses, transport refrigeration units, stationary and portable diesel engines, and idling trucks and school buses. These sources are all important from a community perspective.<sup>18</sup>

<sup>18</sup> The reader can refer to ARB's website for information on its mobile source-related programs at: <http://www.arb.ca.gov/msprog/msprog.htm>, as well as regulations adopted and under consideration as part of the Diesel Risk Reduction Program at: <http://www.arb.ca.gov/diesel/dieselrrp.htm>



The ARB will continue to evaluate the health effects of air pollutants while implementing programs with local air districts to reduce air pollution in all California communities.

Local air districts also have ambitious programs to reduce criteria pollutants and air toxics from regulated sources in their region. Many of these programs also benefit air quality in local communities as well as in the broader region. For more information on what is being done in your area to reduce cumulative air pollution impacts through air pollution control programs, you should contact your local air district.<sup>19</sup>

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<sup>19</sup> Local air district contacts can be found on the inside cover to this Handbook.

## **7. Ways to Enhance Meaningful Public Participation**

Community involvement is an important part of the land use process. The public is entitled to the best possible information about the air they breathe and what is being done to prevent or reduce unhealthful air pollution in their communities. In particular, information on how land use decisions can affect air pollution and public health should be made accessible to all communities, including low-income and minority communities.

Effective community participation consistently relies on a two-way flow of information – from public agencies to community members about opportunities, constraints, and impacts, and from community members back to public officials about needs, priorities, and preferences. The outreach process needed to build understanding and local neighborhood involvement requires data, methodologies, and formats tailored to the needs of the specific community. More importantly, it requires the strong collaboration of local government agencies that review and approve projects and land uses to improve the physical and environmental surroundings of the local community.

Many land use agencies, especially those in major metropolitan areas, are familiar with, and have a long-established public review process. Nevertheless, public outreach can often be improved. Active public involvement requires engaging the public in ways that do not require their previous interest in or knowledge of the land use or air pollution control requirements, and a commitment to taking action where appropriate to address the concerns that are raised.

### **■ Direct Community Outreach**

In conjunction with local air districts, land use agencies should consider designing an outreach program for community groups, other stakeholders, and local government agency staffs that address the problem of cumulative air pollution impacts, and the public and government role in reducing them. Such a program could consider analytical tools that assist in the preparation and presentation of information in a way that supports sensible decision-making and public involvement. Table 7-1 contains some general outreach approaches that might be considered.

**Table 7-1  
Public Participation Approaches**

- Staff and community leadership awareness training on environmental justice programs and community-based issues
- Surveys to identify the website information needs of interested community-based organizations and other stakeholders
- Information materials on local land use and air district authorities
- Community-based councils to facilitate and invite resident participation in the planning process
- Neighborhood CEQA scoping sessions that allows for community input prior to technical analysis
- Public information materials on siting issues are under review including materials written for the affected community, and in different media that widens accessibility
- Public meetings
- Identify other opportunities to include community-based organizations in the process

To improve outreach, local land use agencies should consider the following activities:

- Hold meetings in communities affected by agency programs, policies, and projects at times and in places that encourage public participation, such as evenings and weekends at centrally located community meeting rooms, libraries, and schools.
- Assess the need for and provide translation services at public meetings.
- Hold community meetings to update residents on the results of any special air monitoring programs conducted in their neighborhood.
- Hold community meetings to discuss and evaluate the various options to address cumulative impacts in their community.
- In coordination with local air districts, make staff available to attend meetings of community organizations and neighborhood groups to listen to and, where appropriate, act upon community concerns.
- Establish a specific contact person for environmental justice issues.
- Increase student and community awareness of local government land use activities and policies through outreach opportunities.
- Make air quality and land use information available to communities in an easily understood and useful format, including fact sheets, mailings, brochures, public service announcements, and web pages, in English and other languages.
- On the local government web-site, dedicate a page or section to what the land use program is doing regarding environmental justice and cumulative environmental impacts, and, as applicable, activities conducted with local air districts such as neighborhood air monitoring studies, pollution prevention, air pollution sources in neighborhoods, and risk reduction.

- Allow, encourage, and promote community access to land use activities, including public meetings, General Plan or Community Plan updates, zoning changes, special studies, CEQA reviews, variances, etc.
  - Distribute information in multiple languages, as needed, on how to contact the land use agency or local air district to obtain information and assistance regarding environmental justice programs, including how to participate in public processes.
  - Create and distribute a simple, easy-to-read, and understandable public participation handbook, which may be based on the “Public Participation Guidebook” developed by ARB.
- **Other Opportunities for Meaningful Public Outreach**
- Community-Based Planning Committees

Neighborhood-based or community planning advisory councils could be established to invite and facilitate direct resident participation into the planning process. With the right training and technical assistance, such councils can provide valuable input and a forum for the review of proposed amendments to plans, zone changes, land use permits, and suggestions as to how best to prevent or reduce cumulative air pollution impacts in their community.

- Regional Partnerships

Consider creating regional coalitions of key growth-related organizations from both the private and public sectors, with corporations, communities, other jurisdictions, and government agencies. Such partnerships could facilitate agreement on common goals and win-win solutions tailored specifically for the region. With this kind of dialogue, shared vision, and collaboration, barriers can be overcome and locally acceptable sustainable solutions implemented. Over the long term, such strategies will help to bring about clean air in communities as well as regionally.

**APPENDIX A**

**LAND USE CLASSIFICATIONS AND ASSOCIATED FACILITY CATEGORIES  
THAT COULD EMIT AIR POLLUTANTS**

<b>(1) Land Use Classifications – by Activity<sup>i</sup></b>	<b>(2) Facility or Project Examples</b>	<b>(3) Key Pollutants<sup>ii,iii</sup></b>	<b>(4) Air Pollution Permits<sup>iv</sup></b>
<b>COMMERCIAL/ LIGHT INDUSTRIAL: SHOPPING, BUSINESS, AND COMMERCIAL</b>			
▲ Primarily retail shops and stores, office, commercial activities, and light industrial or small business	Dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops	VOCs, air toxics, including diesel PM, NOx, CO, SOx	Limited; Rules for applicable equipment
▲ Goods storage or handling activities, characterized by loading and unloading goods at warehouses, large storage structures, movement of goods, shipping, and trucking.	Warehousing; freight-forwarding centers; drop-off and loading areas; distribution centers	VOCs, air toxics, including diesel PM, NOx, CO, SOx	No <sup>v</sup>
<b>LIGHT INDUSTRIAL: RESEARCH AND DEVELOPMENT</b>			
▲ Medical waste at research hospitals and labs	Incineration; surgical and medical instrument manufacturers, pharmaceutical manufacturing, biotech research facilities	Air toxics, NOx, CO, SOx	Yes
▲ Electronics, electrical apparatus, components, and accessories	Computer manufacturer; integrated circuit board manufacturer; semiconductor production	Air toxics, VOCs	Yes
▲ College or university lab or research center	Medical waste incinerators; lab chemicals handling, storage and disposal	Air toxics, NOx, CO, SOx, PM10	Yes
▲ Research and development labs	Satellite manufacturer; fiber-optics manufacturer; defense contractors; space research and technology; new vehicle and fuel testing labs	Air toxics, VOCs	Yes
▲ Commercial testing labs	Consumer products; chemical handling, storage and disposal	Air toxics, VOCs	Yes

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(1) Land Use Classifications – by Activity <sup>i</sup>	(2) Facility or Project Examples	(3) Key Pollutants <sup>ii,iii</sup>	(4) Air Pollution Permits <sup>iv</sup>
<b>INDUSTRIAL: NON-ENERGY-RELATED</b>			
▲ Assembly plants, manufacturing facilities, industrial machinery	Adhesives; chemical; textiles; apparel and furniture upholstery; clay, glass, and stone products production; asphalt materials; cement manufacturers, wood products; paperboard containers and boxes; metal plating; metal and canned food product fabrication; auto manufacturing; food processing; printing and publishing; drug, vitamins, and pharmaceuticals; dyes; paints; pesticides; photographic chemicals; polish and wax; consumer products; metal and mineral smelters and foundries; fiberboard; floor tile and cover; wood and metal furniture and fixtures; leather and leather products; general industrial and metalworking machinery; musical instruments; office supplies; rubber products and plastics production; saw mills; solvent recycling; shingle and siding; surface coatings	VOCs, air toxics, including diesel PM, NOx, PM, CO, SOx	Yes
<b>INDUSTRIAL: ENERGY AND UTILITIES</b>			
▲ Water and sewer operations	Pumping stations; air vents; treatment	VOCs, air toxics, NOx, CO, SOx, PM10	Yes
▲ Power generation and distribution	Power plant boilers and heaters; portable diesel engines; gas turbine engines	NOx, diesel PM, NOx, CO, SOx, PM10, VOCs	Yes
▲ Refinery operations	Refinery boilers and heaters; coke cracking units; valves and flanges; flares	VOCs, air toxics, including diesel PM, NOx, CO, SOx, PM10	Yes
▲ Oil and gas extraction	Oil recovery systems; uncovered wells	NOx, diesel PM, VOCs, CO, SOx, PM10	Yes
▲ Gasoline storage, transmission, and marketing	Above and below ground storage tanks; floating roof tanks; tank farms; pipelines	VOCs, air toxics, including diesel PM, NOx, CO, SOx, PM10	Yes
▲ Solid and hazardous waste treatment, storage, and disposal activities.	Landfills; methane digester systems; process recycling facility for concrete and asphalt materials	VOCs, air toxics, NOx, CO, SOx, PM10	Yes
<b>CONSTRUCTION (NON-TRANSPORTATION)</b>			
	Building construction; demolition sites	PM (re-entrained road dust), asbestos, diesel PM, NOx, CO, SOx, PM10, VOCs	Limited; state and federal off-road equipment standards

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(1) Land Use Classifications – by Activity <sup>i</sup>	(2) Facility or Project Examples	(3) Key Pollutants <sup>ii,iii</sup>	(4) Air Pollution Permits <sup>iv</sup>
<b>DEFENSE</b>			
	Ordnance and explosives demolition; range and testing activities; chemical production; degreasing; surface coatings; vehicle refueling; vehicle and engine operations and maintenance	VOCs, air toxics, including diesel PM, NOx, CO, SOx, PM10	Limited; prescribed burning; equipment and solvent rules
<b>TRANSPORTATION</b>			
▲ Vehicular movement	Residential area circulation systems; parking and idling at parking structures; drive-through establishments; car washes; special events; schools; shopping malls, etc.	VOCs, NOx, PM (re-entrained road dust) air toxics e.g., benzene, diesel PM, formaldehyde, acetaldehyde, 1,3 butadiene, CO, SOx, PM10	No
▲ Road construction and surfacing	Street paving and repair; new highway construction and expansion	VOCs, air toxics, including diesel PM, NOx, CO, SOx, PM10	No
▲ Trains	Railroads; switch yards; maintenance yards	VOCs, NOx, CO, SOx, PM10, air toxics, including diesel PM	Limited; Applicable state and federal MV standards, and possible equipment rules
▲ Marine and port activities	Recreational sailing; commercial marine operations; hotelling operations; loading and un-loading; servicing; shipping operations; port or marina expansion; truck idling		
▲ Aircraft	Takeoff, landing, and taxiing; aircraft maintenance; ground support activities		
▲ Mass transit and school buses	Bus repair and maintenance		
<b>NATURAL RESOURCES</b>			
▲ Farming operations	Agricultural burning; diesel operated engines and heaters; small food processors; pesticide application; agricultural off-road equipment	Diesel PM, VOCs, NOx, PM10, CO, SOx, pesticides	Limited <sup>vi</sup> ; Agricultural burning requirements, applicable state and federal mobile source standards; pesticide rules
▲ Livestock and dairy operations	Dairies and feed lots	Ammonia, VOCs, PM10	Yes <sup>vii</sup>
▲ Logging	Off-road equipment e.g., diesel fueled chippers, brush hackers, etc.	Diesel PM, NOx, CO, SOx, PM10, VOCs	Limited; Applicable state/federal mobile source standards
▲ Mining operations	Quarrying or stone cutting; mining; drilling or dredging	PM10, CO, SOx, VOCs, NOx, and asbestos in some geographical areas	Applicable equipment rules and dust controls

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(1) Land Use Classifications – by Activity <sup>i</sup>	(2) Facility or Project Examples	(3) Key Pollutants <sup>ii,iii</sup>	(4) Air Pollution Permits <sup>iv</sup>
RESIDENTIAL			
Housing	Housing developments; retirement developments; affordable housing	Fireplace emissions (PM10, NOx, VOCs, CO, air toxics); Water heater combustion (NOx, VOCs, CO)	No <sup>vii</sup>
ACADEMIC AND INSTITUTIONAL			
▲ Schools, including school-related recreational activities	Schools; school yards; vocational training labs/classrooms such as auto repair/painting and aviation mechanics	Air toxics	Yes/No <sup>viii</sup>
▲ Medical waste	Incineration	Air toxics, NOx, CO, PM10	Yes
▲ Clinics, hospitals, convalescent homes		Air toxics	Yes

<sup>i</sup> These classifications were adapted from the American Planning Association’s “Land Based Classification Standards.” The Standards provide a consistent model for classifying land uses based on their characteristics. The model classifies land uses by refining traditional categories into multiple dimensions, such as activities, functions, building types, site development character, and ownership constraints. Each dimension has its own set of categories and subcategories. These multiple dimensions allow users to have precise control over land-use classifications. For more information, the reader should refer to the Association’s website at <http://www.planning.org/LBCS/GeneralInfo/>.

<sup>ii</sup> This column includes key criteria pollutants and air toxic contaminants that are most typically associated with the identified source categories.

Additional information on specific air toxics that are attributed to facility categories can be found in ARB’s Emission Inventory Criteria and Guidelines Report for the Air Toxics Hot Spots Program (May 15, 1997). This information can be viewed at ARB’s web site at <http://www.arb.ca.gov/ab2588/final96/guide96.pdf>.

Criteria air pollutants are those air pollutants for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. Criteria pollutants include ozone (formed by the reaction of volatile organic compounds and nitrogen oxides in the presence of sunlight), particulate matter, nitrogen dioxide, sulfur dioxide, carbon monoxide, and lead.

Volatile organic compounds (VOCs) combine with nitrogen oxides to form ozone, as well as particulate matter. VOC emissions result primarily from incomplete fuel combustion and the evaporation of chemical solvents and fuels. On-road mobile sources are the largest contributors to statewide VOC emissions. Stationary sources of VOC emissions include processes that use solvents (such as dry-cleaning, degreasing, and coating operations) and petroleum-related processes (such as petroleum refining, gasoline marketing and dispensing, and oil and gas extraction). Areawide VOC sources include consumer products, pesticides, aerosols and paints, asphalt paving and roofing, and other evaporative emissions.

Nitrogen oxides (NOx) are a group of gaseous compounds of nitrogen and oxygen, many of which contribute to the formation of ozone and particulate matter. Most NOx emissions are produced by the combustion of fuels. Mobile sources make up about 80 percent of the total statewide NOx emissions. Mobile sources include on-road vehicles and trucks, aircraft, trains, ships, recreational boats, industrial and construction equipment, farm



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equipment, off-road recreational vehicles, and other equipment. Stationary sources of NO<sub>x</sub> include both internal and external combustion processes in industries such as manufacturing, food processing, electric utilities, and petroleum refining. Area-wide source, which include residential fuel combustion, waste burning, and fires, contribute only a small portion of the total statewide NO<sub>x</sub> emissions, but depending on the community, may contribute to a cumulative air pollution impact.

Particulate matter (PM) refers to particles small enough to be breathed into the lungs (under 10 microns in size). It is not a single substance, but a mixture of a number of highly diverse types of particles and liquid droplets. It can be formed directly, primarily as dust from vehicle travel on paved and unpaved roads, agricultural operations, construction and demolition.

Carbon monoxide (CO) is a colorless and odorless gas that is directly emitted as a by-product of combustion. The highest concentrations are generally associated with cold stagnant weather conditions that occur during winter. CO problems tend to be localized.

An Air Toxic Contaminant (air toxic) is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. Similar to criteria pollutants, air toxics are emitted from stationary, area-wide, and mobile sources. They contribute to elevated regional and localized risks near industrial and commercial facilities and busy roadways. The ten compounds that pose the greatest statewide risk are: acetaldehyde; benzene; 1,3-butadiene; carbon tetrachloride; diesel particulate matter (diesel PM); formaldehyde; hexavalent chromium; methylene chloride; para-dichlorobenzene; and perchloroethylene. The risk from diesel PM is by far the largest, representing about 70 percent of the known statewide cancer risk from outdoor air toxics. The exhaust from diesel-fueled engines is a complex mixture of gases, vapors, and particles, many of which are known human carcinogens. Diesel PM is emitted from both mobile and stationary sources. In California, on-road diesel-fueled vehicles contribute about 26 percent of statewide diesel PM emissions, with an additional 72 percent attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and other equipment. Stationary sources in shipyards, warehouses, heavy equipment repair yards, and oil and gas production operations contribute about two percent of statewide emissions. However, when this number is disaggregated to a sub-regional scale such as neighborhoods, the risk factor can be far greater.

<sup>iii</sup> The level of pollution emitted is a major determinant of the significance of the impact.

<sup>iv</sup> Indicates whether facility activities listed in column 4 are generally subject to local air district permits to operate. This does not include regulated products such as solvents and degreasers that may be used by sources that may not require an operating permit per se, e.g., a gas station or dry cleaner.

<sup>v</sup> Generally speaking, warehousing or distribution centers are not subject to local air district permits. However, depending on the district, motor vehicle fleet rules may apply to trucks or off-road vehicles operated and maintained by the facility operator. Additionally, emergency generators or internal combustion engines operated on the site may require an operating permit.

<sup>vi</sup> Authorized by recent legislation SB700.

<sup>vii</sup> Local air districts do not require permits for woodburning fireplaces inside private homes. However, some local air districts and land use agencies do have rules or ordinances that require new housing developments or home re-sales to install U.S. EPA –certified stoves. Some local air districts also ban residential woodburning during weather inversions that concentrate smoke in residential areas. Likewise, home water heaters are not subject to permits; however, new heaters could be subject to emission limits that are imposed by federal or local agency regulations.

<sup>viii</sup> Technical training schools that conduct activities normally permitted by a local air district could be subject to an air permit.



**APPENDIX B****LAND USE-BASED REFERENCE TOOLS TO EVALUATE  
NEW PROJECTS FOR POTENTIAL AIR POLLUTION IMPACTS**

Land use agencies generally have a variety of tools and approaches at hand, or accessible from local air districts that can be useful in performing an analysis of potential air pollution impacts associated with new projects. These tools and approaches include:

- Base map of the city or county planning area and terrain elevations.
- General Plan designations of land use (existing and proposed).
- Zoning maps.
- Land use maps that identify existing land uses, including the location of facilities that are permitted or otherwise regulated by the local air district. Land use agencies should consult with their local air district for information on regulated facilities.
- Demographic data, e.g., population location and density, distribution of population by income, distribution of population by ethnicity, and distribution of population by age. The use of population data is a normal part of the planning process. However, from an air quality perspective, socioeconomic data is useful to identify potential community health and environmental justice issues.
- Emissions, monitoring, and risk-based maps created by the ARB or local air districts that show air pollution-related health risk by community across the state.
- Location of public facilities that enhance community quality of life, including parks, community centers, and open space.
- Location of industrial and commercial facilities and other land uses that use hazardous materials, or emit air pollutants. These include chemical storage facilities, hazardous waste disposal sites, dry cleaners, large gas dispensing facilities, auto body shops, and metal plating and finishing shops.
- Location of sources or facility types that result in diesel on-road and off-road emissions, e.g., stationary diesel power generators, forklifts, cranes, construction equipment, on-road vehicle idling, and operation of transportation refrigeration units. Distribution centers, marine terminals and ports, rail yards, large industrial facilities, and facilities that handle bulk goods are all examples of complex facilities where these types of emission sources are frequently concentrated.<sup>1</sup> Very large facilities, such as ports, marine terminals, and airports, could be analyzed regardless of proximity to a receptor if they are within the modeling area.
- Location and zoning designations for existing and proposed schools, buildings, or outdoor areas where sensitive individuals may live or play.
- Location and density of existing and proposed residential development.
- Zoning requirements, property setbacks, traffic flow requirements, and idling restrictions for trucks, trains, yard hostlers<sup>2</sup>, construction equipment, or school buses.
- Traffic counts (including diesel truck traffic counts), within a community to validate or augment existing regional motor vehicle trip and speed data.

<sup>1</sup> The ARB is currently evaluating the types of facilities that may act as complex point sources and developing methods to identify them.

<sup>2</sup> Yard hostler means a tractor less than 300 horsepower that is used to transfer semi-truck or tractor-trailer containers in and around storage, transfer, or distribution yards or areas and is often equipped with a hydraulic lifting fifth wheel for connection to trailer containers.



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### ARB AND LOCAL AIR DISTRICT INFORMATION AND TOOLS CONCERNING CUMULATIVE AIR POLLUTION IMPACTS

It is the ARB's policy to support research and data collection activities toward the goal of reducing cumulative air pollution impacts. These efforts include updating and improving the air toxics emissions inventory, performing special air monitoring studies in specific communities, and conducting a more complete assessment of non-cancer health effects associated with air toxics and criteria pollutants.<sup>1</sup> This information is important because it helps us better understand links between air pollution and the health of sensitive individuals -- children, the elderly, and those with pre-existing serious health problems affected by air quality.

ARB is working with CAPCOA and OEHHA to improve air pollutant data and evaluation tools to determine when and where cumulative air pollution impacts may be a problem. The following provides additional information on this effort.

#### How are emissions assessed?

Detailed information about the sources of air pollution in an area is collected and maintained by local air districts and the ARB in what is called an emission inventory. Emission inventories contain information about the nature of the business, the location, type and amount of air pollution emitted, the air pollution-producing processes, the type of air pollution control equipment, operating hours, and seasonal variations in activity. Local districts collect emission inventory data for most stationary source categories.

Local air districts collect air pollution emission information directly from facilities and businesses that are required to obtain an air pollution operating permit. Local air districts use this information to compile an emission inventory for areas within their jurisdiction. The ARB compiles a statewide emission inventory based on the information collected by the ARB and local air districts. Local air districts provide most of the stationary source emission data, and ARB provides mobile source emissions as well as some areawide emission sources such as consumer products and paints. ARB is also developing map-based tools that will display information on air pollution sources.

Criteria pollutant data have been collected since the early 1970's, and toxic pollutant inventories began to be developed in the mid-1980's.

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<sup>1</sup> A criteria pollutant is any air pollutant for which EPA has established a National Ambient Air Quality Standard or for which California has established a State Ambient Air Quality Standard, including: carbon monoxide, lead, nitrogen oxides, ozone, particulates and sulfur oxides. Criteria pollutants are measured in each of California's air basins to determine whether the area meets or does not meet specific federal or state air quality standards. Air toxics or air toxic contaminants are listed pollutants recognized by California or EPA as posing a potential risk to health.

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### **How is the toxic emission inventory developed?**

Emissions data for toxic air pollutants is a high priority for communities because of concerns about potential health effects. Most of ARB's air toxics data is collected through the toxic "Hot Spots" program. Local air districts collect emissions data from industrial and commercial facilities. Facilities that exceed health-based thresholds are required to report their air toxics emissions as part of the toxic "Hot Spots" program and update their emissions data every four years. Facilities are required to report their air toxics emissions data if there is an increase that would trigger the reporting threshold of the hotspots program. Air toxics emissions from motor vehicles and consumer products are estimated by the ARB. These estimates are generally regional in nature, reflecting traffic and population.

The ARB also maintains chemical speciation profiles that can be used to estimate toxics emissions when no toxic emissions data is available.

### **What additional toxic emissions information is needed?**

In order to assess cumulative air pollution impacts, updated information from individual facilities is needed. Even for sources where emissions data are available, additional information such as the location of emissions release points is often needed to better model cumulative impacts. In terms of motor vehicles, emissions data are currently based on traffic models that only contain major roads and freeways. Local traffic data are needed so that traffic emissions can be more accurately assigned to specific streets and roads. Local information is also needed for off-road emission sources, such as ships, trains, and construction equipment. In addition, hourly maximum emissions data are needed for assessing acute air pollution impacts.

### **What work is underway?**

ARB is working with CAPCOA to improve toxic emissions data, developing a community health air pollution information system to improve access to emission information, conducting neighborhood assessment studies to better understand toxic emission sources, and conducting surveys of sources of toxic pollutants.

### **How is air pollution monitored?**

While emissions data identify how much air pollution is going into the air, the state's air quality monitoring network measures air pollutant levels in outdoor air. The statewide air monitoring network is primarily designed to measure regional exposure to air pollutants, and consists of more than 250 air monitoring sites.

The air toxics monitoring network consists of approximately 20 permanent sites. These sites are supplemented by special monitoring studies conducted by ARB and local air districts. These sites measure approximately sixty toxic air pollutants. Diesel PM, which is the major driver of urban air toxic risk, is not monitored directly. Ten of the

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60 toxic pollutants, not including diesel, account for most of the remaining potential cancer risk in California urban areas.

### **What additional monitoring has been done?**

Recently, additional monitoring has been done to look at air quality at the community level. ARB's community monitoring was conducted in six communities located throughout the state. Most sites were in low-income, minority communities located near major sources of air pollution, such as refineries or freeways. The monitoring took place for a year or more in each community, and included measurements of both criteria and toxic pollutants.

### **What is being learned from community monitoring?**

In some cases, the ARB or local air districts have performed air quality monitoring or modeling studies covering a particular region of the state. When available, these studies can give information about regional air pollution exposures.

The preliminary results of ARB's community monitoring are providing insights into air pollution at the community level. Urban background levels are a major contributor to the overall risk from air toxics in urban areas, and this urban background tends to mask the differences between communities. When localized elevated air pollutant levels were measured, they were usually associated with local ground-level sources of toxic pollutants. The most common source of this type was busy streets and freeways. The impact these ground-level sources had on local air quality decreased rapidly with distance from the source. Pollutant levels usually returned to urban background levels within a few hundred meters of the source.

These results indicate that tools to assess cumulative impacts must be able to account for both localized, near-source impacts, as well as regional background air pollution. The tools that ARB is developing for this purpose are air quality models.

### **How can air quality modeling be used?**

While air monitoring can directly measure cumulative exposure to air pollution, it is limited because all locations cannot be monitored. To address this, air quality modeling provides the capability to estimate exposure when air monitoring is not feasible. Air quality modeling can be refined to assess local exposure, identify locations of potential hot spots, and identify the relative contribution of emission sources to exposure at specific locations. The ARB has used this type of information to develop regional cumulative risk maps that estimate the cumulative cancer air pollution risk for most of California. While these maps only show one air pollution-related health risk, it does provide a useful starting point.

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### **What is needed for community modeling?**

Air quality models have been developed to assess near-source impacts, but they have very exacting data requirements. These near-source models estimate the impact of local sources, but do not routinely include the contribution from regional air pollution background. To estimate cumulative air pollution exposure at a neighborhood scale, a modeling approach needs to combine features of both micro-scale and regional models.

In addition, improved methods are needed to assess near-source impacts under light and variable wind conditions, when high local concentrations are more likely to occur. A method for modeling long-term exposure to air pollutants near freeways and other high traffic areas is also needed.

### **What modeling work has ARB developed?**

A key component of ARB's Community Health Program is the Neighborhood Assessment Program (NAP). As described later in this section, the NAP studies are being conducted to better understand pollution impacts at the community level. Through two such studies conducted in Barrio Logan (San Diego) and Wilmington (Los Angeles), ARB is refining community-level modeling methodologies. Regional air toxics modeling is also being performed to better understand regional air pollution background levels.

In a parallel effort, ARB is developing modeling protocols for estimating cumulative emissions, exposure, and risk from air pollution. The protocols will cover modeling approaches and uncertainties, procedures for running the models, the development of statewide risk maps, and methods for estimating health risks. The protocols are subject to an extensive peer review process prior to release.

### **How are air pollution impacts on community health assessed?**

On a statewide basis, ARB's toxic air contaminant program identifies and reduces public exposure to air toxics. The focus of the program has been on reducing potential cancer risk, because monitoring results show potential urban cancer risk levels are too high. ARB has also looked for potential non-cancer risks based on health reference levels provided by OEHHA. On a regional basis, the pollutants measured in ARB's toxic monitoring network are generally below the OEHHA non-cancer reference exposure levels.

As part of its community health program, the ARB is looking at potential cancer and non-cancer risk. This could include chronic or acute health effects. If the assessment work shows elevated exposures on a localized basis, ARB will work with OEHHA to assess the health impacts.



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### **What tools has ARB developed to assess cumulative air pollution impacts?**

ARB has developed the following tools and reports to assist land use agencies and local air districts assess and reduce cumulative emissions, exposure, and risk on a neighborhood scale.

#### **Statewide Risk Maps**

ARB has produced regional risk maps that show the statewide trends for Southern and Central California in estimated potential cancer risk from air toxics between 1990 and 2010.<sup>2</sup> These maps will supplement U.S. EPA's ASPEN model and are available on the ARB's Internet site. These maps are best used to obtain an estimate of the regional background air pollution health risk and are not detailed enough to estimate the exact risk at a specific location.

ARB also has maps that focus in more detail on smaller areas that fall within the Southern and Central California regions for these same modeled years. The finest visual resolution available in the maps on this web site is two by two kilometers. These maps are not detailed enough to assess individual neighborhoods or facilities.

#### **Community Health Air Pollution Information System (CHAPIS)**

CHAPIS is an Internet-based procedure for displaying information on emissions from sources of air pollution in an easy to use mapping format. CHAPIS uses Geographical Information System (GIS) software to deliver interactive maps over the Internet. CHAPIS relies on emission estimates reported to the ARB's emission inventory database - California Emissions Inventory Development and Reporting System, or CEIDARS.

Through CHAPIS, air district staff can quickly and easily identify pollutant sources and emissions within a specified area. CHAPIS contains information on air pollution emissions from selected large facilities and small businesses that emit criteria and toxic air pollutants. It also contains information on air pollution emissions from motor vehicle and areawide emissions. CHAPIS does not contain information on every source of air pollution or every air pollutant. It is a major long-term objective of CHAPIS to include all of the largest air pollution sources and those with the highest documented air pollution risk. CHAPIS will be updated on a periodic basis and additional facilities will be added to CHAPIS as more data becomes available.

CHAPIS is being developed in stages to assure data quality. The initial release of CHAPIS will include facilities emitting 10 or more tons per year of nitrogen oxides, sulfur dioxide, carbon monoxide, PM10, or reactive organic gases; air toxics from refineries and power plants of 50 megawatts or more; and facilities that conducted health risk

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<sup>2</sup>ARB maintains state trends and local potential cancer risk maps that show statewide trends in potential inhalable cancer risk from air toxics between 1990 and 2010. This information can be viewed at ARB's web site at <http://www.arb.ca.gov/toxics/cti/hlthrisk/hlthrisk.htm>

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assessments under the California Air Toxics “Hot Spots” Information and Assessment Program.<sup>3</sup>

CHAPIS can be used to identify the emission contributions from mobile, area, and point sources on that community.

### “Hot Spots” Analysis and Reporting Program (HARP)

HARP<sup>4</sup> is a software package available from the ARB and is designed with air quality professionals in mind. It models emissions and release data from one or more facilities to estimate the potential health risk posed by the selected facilities on the neighboring community. HARP uses the latest risk assessment guidelines published by OEHHA.

With HARP, a user can perform the following tasks:

- Create and manage facility databases;
- Perform air dispersion modeling;
- Conduct health risk analyses;
- Output data reports; and
- Output results to GIS mapping software.

HARP can model downwind concentrations of air toxics based on the calculated emissions dispersion at a single facility. HARP also has the capability of assessing the risk from multiple facilities, and for multiple locations of concern near those facilities. While HARP has the capability to assess multiple source impacts, there had been limited application of the multiple facility assessment function in the field at the time of HARP's debut in 2003. HARP can also evaluate multi-pathway, non-inhalation health risk resulting from air pollution exposure, including skin and soil exposure, and ingestion of meat and vegetables contaminated with air toxics, and other toxics that have accumulated in a mother's breast milk.

### Neighborhood Assessment Program (NAP)

The NAP<sup>5</sup> has been a key component of ARB's Community Health Program. It includes the development of tools that can be used to perform assessments of cumulative air pollution impacts on a neighborhood scale. The NAP studies have been done to better understand how air pollution affects individuals at the neighborhood level. Thus far, ARB has conducted neighborhood scale assessments in Barrio Logan and Wilmington.

As part of these studies, ARB is collecting data and developing a modeling protocol that can be used to conduct cumulative air pollution impact assessments. Initially these

<sup>3</sup> California Health & Safety Code section 44300, et seq.

<sup>4</sup> More detailed information can be found on ARB's website at:

<http://www.arb.ca.gov/toxics/harp/harp.htm>

<sup>5</sup> For more information on the Program, please refer to: <http://www.arb.ca.gov/ch/programs/nap/nap.htm>

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assessments will focus on cumulative inhalation cancer health risk and chronic non-cancer impacts. The major challenge is developing modeling methods that can combine both regional and localized air pollution impacts, and identifying the critical data necessary to support these models. The objective is to develop methods and tools from these studies that can ultimately be applied to other areas of the state. In addition, the ARB plans to use these methods to replace the ASPEN regional risk maps currently posted on the ARB Internet site.

### Urban Emissions Model (URBEMIS)

URBEMIS<sup>6</sup> is a computer program that can be used to estimate emissions associated with land development projects in California such as residential neighborhoods, shopping centers, office buildings, and construction projects. URBEMIS uses emission factors available from the ARB to estimate vehicle emissions associated with new land uses. URBEMIS estimates sulfur dioxide emissions from motor vehicles in addition to reactive organic gases, nitrogen oxides, carbon monoxide, and PM10.

### Land-Use Air Quality Linkage Report<sup>7</sup>

This report summarizes data currently available on the relationships between land use, transportation and air quality. It also highlights strategies that can help to reduce the use of the private automobile. It also briefly summarizes two ARB-funded research projects. The first project analyzes the travel patterns of residents living in five higher density, mixed use neighborhoods in California, and compares them to travel in more auto-oriented areas. The second study correlates the relationship between travel behavior and community characteristics, such as density, mixed land uses, transit service, and accessibility for pedestrians.

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<sup>6</sup> For more information on this model, please refer to ARB's website at <http://www.arb.ca.gov/html/soft.htm>.

<sup>7</sup>To access this report, please refer to ARB's website or click on: <http://www.arb.ca.gov/ch/programs/link97.pdf>



**APPENDIX D****LAND USE AND AIR QUALITY AGENCY ROLES  
IN THE LAND USE PROCESS**

A wide variety of federal, state, and local government agencies are responsible for regulatory, planning, and siting decisions that can have an impact on air pollution. They include local land use agencies, regional councils of government, school districts, local air districts, ARB, the California Department of Transportation (Caltrans), and the Governor's Office of Planning and Research (OPR) to name a few. This Section will focus on the roles and responsibilities of local and state agencies. The role of school districts will be discussed in Appendix E.

**Local Land Use Agencies**

Under the State Constitution, land use agencies have the primary authority to plan and control land use.<sup>1</sup> Each of California's incorporated cities and counties are required to adopt a comprehensive, long-term General Plan.<sup>2</sup>

The General Plan's long-term goals are implemented through zoning ordinances. These are local laws adopted by counties and cities that describe for specific areas the kinds of development that will be allowed within their boundaries.

Land use agencies are also the lead for doing environmental assessments under CEQA for new projects that may pose a significant environmental impact, or for new or revised General Plans.

**Local Agency Formation Commissions (LAFCOs)**

Operating in each of California's 58 counties, LAFCOs are composed of local elected officials and public members who are responsible for coordinating changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structures, and preparing a sphere of influence for each city and special district within each county. Each Commission's efforts are directed toward seeing that local government services are provided efficiently and economically while agricultural and open-space lands are protected. LAFCO decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources.

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<sup>1</sup> The legal basis for planning and land use regulation is the "police power" of the city or county to protect the public's health, safety and welfare. The California Constitution gives cities and counties the power to make and enforce all local police, sanitary and other ordinances and regulations not in conflict with general laws. State law reference: California Constitution, Article XI §7.

<sup>2</sup>OPR General Plan Guidelines, 2003:  
[http://www.opr.ca.gov/planning/PDFs/General\\_Plan\\_Guidelines\\_2003.pdf](http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf)

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### Councils of Government (COG)

COGs are organizations composed of local counties and cities that serve as a focus for the development of sound regional planning, including plans for transportation, growth management, hazardous waste management, and air quality. They can also function as the metropolitan planning organization for coordinating the region's transportation programs. COGs also prepare regional housing need allocations for updates of General Plan housing elements.

### Local Air Districts

Under state law, air pollution control districts or air quality management districts (local air districts) are the local government agencies responsible for improving air quality and are generally the first point of contact for resolving local air pollution issues or complaints. There are 35 local air districts in California<sup>3</sup> that have authority and primary responsibility for regional clean air planning. Local air districts regulate stationary sources of air pollutants within their jurisdiction including but not limited to industrial and commercial facilities, power plants, construction activities, outdoor burning, and other non-mobile sources of air pollution. Some local air districts also regulate public and private motor vehicle fleet operators such as public bus systems, private shuttle and taxi services, and commercial truck depots.

#### ■ Regional Clean Air Plans

Local air districts are responsible for the development and adoption of clean air plans that protect the public from the harmful effects of air pollution. These plans incorporate strategies that are necessary to attain ambient air quality standards. Also included in these regional air plans are ARB and local district measures to reduce statewide emissions from mobile sources, consumer products, and industrial sources.

#### ■ Facility-Specific Considerations

Permitting. In addition to the planning function, local air districts adopt and enforce regulations, issue permits, and evaluate the potential environmental impacts of projects.

Pollution is regulated through permits and technology-based rules that limit emissions from operating units within a facility or set standards that vehicle fleet operators must meet. Permits to construct and permits to operate contain very specific requirements and conditions that tell each regulated source what it must do to limit its air pollution in compliance with local air district rules, regulations, and state law. Prior to receiving a permit, new facilities must go through a New Source Review (NSR) process that establishes air pollution control requirements for the facility. Permit conditions are typically contained in the permit to operate and specify requirements that businesses must follow; these may include limits on the amount of pollution that can be emitted, the

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<sup>3</sup> Contact information for local air districts in California is listed in the front of this Handbook.

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type of pollution control equipment that must be installed and maintained, and various record-keeping requirements.

Local air districts also notify the public about new permit applications for major new facilities, or major modifications to existing facilities that seek to locate within 1,000 feet of a school.

Local air districts can also regulate other types of sources to reduce emissions. These include regulations to reduce emissions from the following sources:

- hazardous materials in products used by industry such as paints, solvents, and degreasers;
- agricultural and residential burning;
- leaking gasoline nozzles at service stations;
- public fleet vehicles such as sanitation trucks and school buses; and
- fugitive or uncontrolled dust at construction sites.

However, while emissions from industrial and commercial sources are typically subject to the permit authority of the local air district, sensitive sites such as a day care center, convalescent home, or playground are not ordinarily subject to an air permit. Local air district permits address the air pollutant emissions of a project but not its location.

Under the state's air toxics program, local air districts regulate air toxic emissions by adopting ARB air toxic control measures, or more stringent district-specific requirements, and by requiring individual facilities to perform a health risk assessment if emissions at the source exceed district-specific health risk thresholds<sup>4, 5</sup> (See the section on ARB programs for a more detailed summary of this program).

One approach by which local air districts regulate air toxics emissions is through the "Hot Spots" program.<sup>6</sup> The risk assessments submitted by the facilities under this

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<sup>4</sup> Cal/EPA's Office of Environmental Health Hazard Assessment has published "A Guide to Health Risk Assessment" for lay people involved in environmental health issues, including policymakers, businesspeople, members of community groups, and others with an interest in the potential health effects of toxic chemicals. To access this information, please refer to <http://www.oehha.ca.gov/pdf/HRSguide2001.pdf>

<sup>5</sup> Section 44306 of the California Health & Safety Code defines a health risk assessment as a detailed comprehensive analysis that a polluting facility uses to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations, and to assess and quantify both the individual and population-wide health risks associated with those levels of exposure.

<sup>6</sup> AB-2588 (the Air Toxics "Hot Spots" Information and Assessment Act) requires local air districts to prioritize facilities by high, intermediate, and low priority categories to determine which must perform a health risk assessment. Each district is responsible for establishing the prioritization score threshold at which facilities are required to prepare a health risk assessment. In establishing priorities for each facility, local air districts must consider the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors that the district determines may indicate that the facility may pose a significant risk. All facilities within the highest category must prepare a health risk assessment. In addition, each district may require facilities in the intermediate and low priority categories to also submit a health risk assessment.

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**Table D-1  
Local Sources of Air Pollution, Responsible Agencies,  
and Associated Regulatory Programs**

Source	Examples	Primary Agency	Applicable Regulations
Large Stationary	Refineries, power plants, chemical facilities, certain manufacturing plants	Local air districts	Operating permit rules Air Toxics "Hot Spots" Law (AB 2588) Local district rules Air Toxic Control Measures (ATCMs)* New Source Review rules Title V permit rules
Small Stationary	Dry cleaners, auto body shops, welders, chrome plating facilities, service stations, certain manufacturing plants	Local air districts	Operating permit conditions, Air Toxics "Hot Spots" Law (AB 2588) Local district rules ATCMs* New Source Review rules
Mobile (non-fleet)	Cars, trucks, buses	ARB	Emission standards Cleaner-burning fuels (e.g., unleaded gasoline, low-sulfur diesel) Inspection and repair programs (e.g., Smog Check)
Mobile Equipment	Construction equipment	ARB, U.S. EPA	ARB rules U.S. EPA rules
Mobile (fleet)	Truck depots, school buses, taxi services	Local air districts, ARB	Local air district rules ARB urban bus fleet rule
Areawide	Paints and consumer products such as hair spray and spray paint	Local air district, ARB	ARB rules Local air district rules

\*ARB adopts ATCMs, but local air districts have the responsibility to implement and enforce these measures or more stringent ones.

program are reviewed by OEHHA and approved by the local air district. Risk assessments are available by contacting the local air district.

**Enforcement.** Local air districts also take enforcement action to ensure compliance with air quality requirements. They enforce air toxic control measures, agricultural and residential burning programs, gasoline vapor control regulations, laws that prohibit air pollution nuisances, visible emission limits, and many other requirements designed to



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clean the air. Local districts use a variety of enforcement tools to ensure compliance. These include notices of violation, monetary penalties, and abatement orders. Under some circumstances, a permit may be revoked.

### ■ Environmental Review

As required by the California Environmental Quality Act (CEQA), local air districts also review and comment on proposed land use plans and development projects that can have a significant effect on the environment or public health.<sup>7</sup>

### California Air Resources Board

The ARB is the air pollution control agency at the state level that is responsible for the preparation of air plans required by state and federal law. In this regard, it coordinates the activities of all local air districts to ensure all statutory requirements are met and to reduce air pollution emissions for sources under its jurisdiction.

Motor vehicles are the single largest emissions source category under ARB's jurisdiction as well as the largest overall emissions source statewide. ARB also regulates emissions from other mobile equipment and engines as well as emissions from consumer products such as hair sprays, perfumes, cleaners, and aerosol paints.

### Air Toxics Program

Under state law, the ARB has a critical role to play in the identification, prioritization, and control of air toxic emissions. The ARB statewide comprehensive air toxics program was established in the early 1980's. The Toxic Air Contaminant Identification and Control Act of 1983 (AB 1807, Tanner 1983) created California's program to reduce exposure to air toxics.<sup>8</sup> The Air Toxics "Hot Spots" Information and Assessment Act (Hot Spots program) supplements the AB 1807 program, by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks.

Under AB 1807, the ARB is required to use certain criteria to prioritize the identification and control of air toxics. In selecting substances for review, the ARB must consider criteria relating to emissions, exposure, and health risk, as well as persistence in the atmosphere, and ambient concentrations in the community. AB 1807 also requires the ARB to use available information gathered from the Hot Spots program when prioritizing compounds.

The ARB identifies pollutants as toxic air contaminants and adopts statewide air toxic control measures (ATCMs). Once ARB adopts an ATCM, local air districts must

<sup>7</sup> Section 4 of this Handbook contains more information on the CEQA process.

<sup>8</sup> For a general background on California's air toxics program, the reader should refer to ARB's website at <http://www.arb.ca.gov/toxics/tac/appendxb.htm>.

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implement the measure, or adopt and implement district-specific measures that are at least as stringent as the state standard. Taken in the aggregate, these ARB programs will continue to further reduce emissions, exposure, and health risk statewide.

With regard to the land use decision-making process, ARB, in conjunction with local air districts, plays an advisory role by providing technical information on land use-related air issues.

### **Other Agencies**

#### *Governor's Office of Planning and Research (OPR)*

In addition to serving as the Governor's advisor on land use planning, research, and liaison with local government, OPR develops and implements the state's policy on land use planning and coordinates the state's environmental justice programs. OPR updated its General Plan Guidelines in 2003 to highlight the importance of sustainable development and environmental justice policies in the planning process. OPR also advises project proponents and government agencies on CEQA provisions and operates the State Clearinghouse for environmental and federal grant documents.

#### *California Department of Housing and Community Development*

The Department of Housing and Community Development (HCD) administers a variety of state laws, programs and policies to preserve and expand housing opportunities, including the development of affordable housing. All local jurisdictions must update their housing elements according to a staggered statutory schedule, and are subject to certification by HCD. In their housing elements, cities and counties are required to include a land inventory which identifies and zones sites for future residential development to accommodate a mix of housing types, and to remove barriers to the development of housing.

An objective of state housing element law is to increase the overall supply and affordability of housing. Other fundamental goals include conserving existing affordable housing, improving the condition of the existing housing stock, removing regulatory barriers to housing production, expanding equal housing opportunities, and addressing the special housing needs of the state's most vulnerable residents (frail elderly, disabled, large families with children, farmworkers, and the homeless).

#### *Transportation Agencies*

Transportation agencies can also influence mobile source-related emissions in the land use decision-making process. Local transportation agencies work with land use agencies to develop a transportation (circulation) element for the General Plan. These local government agencies then work with other transportation-related agencies, such as the Congestion Management Agency (CMA), Metropolitan Planning Organization

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(MPO), Regional Transportation Planning Agency (RTPA), and Caltrans to develop long and short range transportation plans and projects.

Caltrans is the agency responsible for setting state transportation goals and for state transportation planning, design, construction, operations and maintenance activities. Caltrans is also responsible for delivering California's multibillion-dollar state Transportation Improvement Program, a list of transportation projects that are approved for funding by the California Transportation Commission in a 4-year cycle.

When safety hazards or traffic circulation problems are identified in the existing road system, or when land use changes are proposed such as a new residential subdivision, shopping mall or manufacturing center, Caltrans and/or the local transportation agency ensure the projects meet applicable state, regional, and local goals and objectives.

Caltrans also evaluates transportation-related projects for regional air quality impacts, from the perspective of travel-related emissions as well as road congestion and increases in road capacity (new lanes).

*California Energy Commission (CEC)*

The CEC is the state's CEQA lead agency for permitting large thermal power plants (50 megawatts or greater). The CEC works closely with local air districts and other federal, state and local agencies to ensure compliance with applicable laws, ordinances, regulations and standards in the permitting, construction, operation and closure of such plants. The CEC uses an open and public review process that provides communities with outreach and multiple opportunities to participate and be heard. In addition to its comprehensive environmental impact and engineering design assessment process, the CEC also conducts an environmental justice evaluation. This evaluation involves an initial demographic screening to determine if a qualifying minority or low-income population exists in the vicinity of the proposed project. If such a population is present, staff considers possible environmental justice impacts including from associated project emissions in its technical assessments.<sup>9</sup>

*Department of Pesticides Regulation (DPR)*

Pesticides are industrial chemicals produced specifically for their toxicity to a target pest. They must be released into the environment to do their job. Therefore, regulation of pesticides focuses on using toxicity and other information to ensure that when pesticides are used according to their label directions, potential for harm to people and the environment is minimized. DPR imposes strict controls on use, beginning before pesticide products can be sold in California, with an extensive scientific program to ensure they can be used safely. DPR and county enforcement staff tracks the use of pesticides to ensure that pesticides are used properly. DPR collects periodic

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<sup>9</sup> See California Energy Commission, "Environmental Performance Report," July 2001 at [http://www.energy.ca.gov/reports/2001-11-20\\_700-01-001.PDF](http://www.energy.ca.gov/reports/2001-11-20_700-01-001.PDF)

**APPENDIX D**

measurements of any remaining amounts of pesticides in water, air, and on fresh produce. If unsafe levels are found, DPR requires changes in how pesticides are used, to reduce the possibility of harm. If this cannot be done - that is, if a pesticide cannot be used safely - use of the pesticide will be banned in California.<sup>10</sup>

*Federal Agencies*

Federal agencies have permit authority over activities on federal lands and certain resources, which have been the subject of congressional legislation, such as air, water quality, wildlife, and navigable waters. The U.S. Environmental Protection Agency generally oversees implementation of the federal Clean Air Act, and has broad authority for regulating certain activities such as mobile sources, air toxics sources, the disposal of toxic wastes, and the use of pesticides. The responsibility for implementing some federal regulatory programs such as those for air and water quality and toxics is delegated by management to specific state and local agencies. Although federal agencies are not subject to CEQA they must follow their own environmental process established under the National Environmental Policy Act (NEPA).

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<sup>10</sup> For more information, the reader is encouraged to visit the Department of Pesticide Regulation web site at [www.cdpr.ca.gov/docs/emprm/pubs/tacmenu.htm](http://www.cdpr.ca.gov/docs/emprm/pubs/tacmenu.htm).

**APPENDIX E****SPECIAL PROCESSES THAT APPLY TO SCHOOL SITING**

The [California Education Code](#) and the [California Public Resources Code](#) place primary authority for siting public schools with the local school district, which is the 'lead agency' for purposes of CEQA. The California Education Code requires public school districts to notify the local planning agency about siting a new public school or expanding an existing school. The planning agency then reports back to the school district regarding a project's conformity with the adopted General Plan. However, school districts can overrule local zoning and land use designations for schools if they follow specified procedures. In addition, all school districts must evaluate new school sites using site selection standards established in Section 14010 of Title 5 of the California Code of Regulations. Districts seeking state funding for school site acquisition must also obtain site approval from the California Department of Education.

Before making a final decision on a school site acquisition, a school district must comply with CEQA and evaluate the proposed site acquisition/new school project for air emissions and health risks by preparing and certifying an environmental impact report or negative declaration. Both the California Education Code section 17213 and the California Public Resources Code section 21151.8 require school districts to consult with administering agencies and local air districts when preparing the environmental assessment. Such consultation is required to identify both permitted and non-permitted "facilities" that might significantly affect health at the new site. These facilities include, but are not limited to, freeways and other busy traffic corridors, large agricultural operations, and rail yards that are within one-quarter mile of the proposed school site, and that might emit hazardous air emissions, or handle hazardous or acutely hazardous materials, substances, or waste.

As part of the CEQA process and before approving a school site, the school district must make a finding that either it found none of the facilities or significant air pollution sources, or alternatively, if the school district finds that there are such facilities or sources, it must determine either that they pose no significant health risks, or that corrective actions by another governmental entity would be taken so that there would be no actual or potential endangerment to students or school workers.

In addition, if the proposed school site boundary is within 500 feet of the edge of the closest traffic lane of a freeway or traffic corridor that has specified minimum average daily traffic counts, the school district is required to determine through specified risk assessment and air dispersion modeling that neither short-term nor long term exposure poses significant health risks to pupils.

State law changes effective January 1, 2004 (SB352, Escutia 2003, amending Education Code section 17213 and Public Resources Code section 21151.8) also provides for cases in which the school district cannot make either of those two findings and cannot find a suitable alternative site. When this occurs, the school district must adopt a statement of over-riding considerations, as part of an environmental impact

**APPENDIX E**

report, that the project should be approved based on the ultimate balancing of the merits.

Some school districts use a standardized assessment process to determine the environmental impacts of a proposed school site. In the assessment process, school districts can use maps and other available information to evaluate risk, including a local air district's database of permitted source emissions. School districts can also perform field surveys and record searches to identify and calculate emissions from non-permitted sources within one-quarter mile radius of a proposed site. Traffic count data and vehicular emissions data can also be obtained from Caltrans for major roadways and freeways in proximity to the proposed site to model potential emissions impacts to students and school employees. This information is available from the local COG, Caltrans, or local cities and counties for non-state maintained roads.

**APPENDIX F****GENERAL PROCESSES USED BY LAND USE AGENCIES  
TO ADDRESS AIR POLLUTION IMPACTS**

There are several separate but related processes for addressing the air pollution impacts of land use projects. One takes place as part of the planning and zoning function. This consists of preparing and implementing goals and policies contained in county or city General Plans, community or area plans, and specific plans governing land uses such as residential, educational, commercial, industrial, and recreational activities. It also includes recommending locations for thoroughfares, parks and other public improvements.

Land use agencies also have a permitting function that includes performing environmental reviews and mitigation when projects may pose a significant environmental impact. They conduct inspections for zoning permits issued, enforce the zoning regulations and issue violations as necessary, issue zoning certificates of compliance, and check compliance when approving certificates of occupancy.

**Planning****■ General Plan<sup>1</sup>**

The General Plan is a local government “blueprint” of existing and future anticipated land uses for long-term future development. It is composed of the goals, policies, and general elements upon which land use decisions are based. Because the General Plan is the foundation for all local planning and development, it is an important tool for implementing policies and programs beneficial to air quality. Local governments may choose to adopt a separate air quality element into their General Plan or to integrate air quality-beneficial objectives, policies, and strategies in other elements of the Plan, such as the land use, circulation, conservation, and community design elements.

More information on General Plan elements is contained in Appendix D.

**■ Community Plans**

Community or area plans are terms for plans that focus on a particular region or community within the overall general plan area. It refines the policies of the general plan as they apply to a smaller geographic area and is implemented by ordinances and other discretionary actions, such as zoning.

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<sup>1</sup> In October 2003, OPR revised its General Plan Guidelines. An entire chapter is now devoted to a discussion of how sustainable development and environmental justice goals can be incorporated into the land use planning process. For further information, the reader is encouraged to obtain a copy of OPR's General Plan Guidelines, or refer to their website at: [http://www.opr.ca.gov/planning/PDFs/General\\_Plan\\_Guidelines\\_2003.pdf](http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf)

## APPENDIX F

### ■ Specific Plan

A specific plan is a hybrid that can combine policies with development regulations or zoning requirements. It is often used to address the development requirements for a single project such as urban infill or a planned community. As a result, its emphasis is on concrete standards and development criteria.

### ■ Zoning

Zoning is the public regulation of the use of land. It involves the adoption of ordinances that divide a community into various districts or zones. For instance, zoning ordinances designate what projects and activities can be sited in particular locations. Each zone designates allowable uses of land within that zone, such as residential, commercial, or industrial. Zoning ordinances can address building development standards, e.g., minimum lot size, maximum building height, minimum building setback, parking, signage, density, and other allowable uses.

### Land Use Permitting

In addition to the planning and zoning function, land use agencies issue building and business permits, and evaluate the potential environmental impacts of projects. To be approved, projects must be located in a designated zone and comply with applicable ordinances and zoning requirements.

Even if a project is sited properly in a designated zone, a land use agency may require a new source to mitigate potential localized environmental impacts to the surrounding community below what would be required by the local air district. In this case, the land use agency could condition the permit by limiting or prescribing allowable uses including operating hour restrictions, building standards and codes, property setbacks between the business property and the street or other structures, vehicle idling restrictions, or traffic diversion.

Land use agencies also evaluate the environmental impacts of proposed land use projects or activities. If a project or activity falls under CEQA, the land use agency requires an environmental review before issuing a permit to determine if there is the potential for a significant impact, and if so, to mitigate the impact or possibly deny the project.

### ■ Land Use Permitting Process

In California, the authority to regulate land use is delegated to city and county governments. The local land use planning agency is the local government administrative body that typically provides information and coordinates the review of development project applications. Conditional Use Permits (CUP) typically fall within a land use agency's discretionary authority and therefore are subject to CEQA. CUPs are



**APPENDIX F**

intended to provide an opportunity to review the location, design, and manner of development of land uses prior to project approval. A traditional purpose of the CUP is to enable a municipality to control certain uses that could have detrimental environmental effects on the community.

The process for permitting new discretionary projects is quite elaborate, but can be broken down into five fundamental components:

- Project application
- Environmental assessment
- Consultation
- Public comment
- Public hearing and decision

Project Application

The permit process begins when the land use agency receives a project application, with a detailed project description, and support documentation. During this phase, the agency reviews the submitted application for completeness. When the agency deems the application to be complete, the permit process moves into the environmental review phase.

Environmental Assessment

If the project is discretionary and the application is accepted as complete, the project proposal or activity must undergo an environmental clearance process under CEQA and the CEQA Guidelines adopted by the California Resources Agency.<sup>2</sup> The purpose of the CEQA process is to inform decision-makers and the public of the potential significant environmental impacts of a project or activity, to identify measures to minimize or eliminate those impacts to the point they are no longer significant, and to discuss alternatives that will accomplish the project goals and objectives in a less environmentally harmful manner.

<sup>2</sup> Projects and activities that may have a significant adverse impact on the environment are evaluated under CEQA Guidelines set forth in title 14 of the California Code of Regulations, sections 15000 et seq.

**What is a “Lead Agency”?**

A lead agency is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA. In general, the land use agency is the preferred public agency serving as lead agency because it has jurisdiction over general land uses. The lead agency is responsible for determining the appropriate environmental document, as well as its preparation.

**What is a “Responsible Agency”?**

A responsible agency is a public agency with discretionary approval authority over a portion of a CEQA project (e.g., projects requiring a permit). As a responsible agency, the agency is available to the lead agency and project proponent for early consultation on a project to apprise them of applicable rules and regulations, potential adverse impacts, alternatives, and mitigation measures, and provide guidance as needed on applicable methodologies or other related issues.

**What is a “Commenting Agency”?**

A commenting agency is any public agency that comments on a CEQA document, but is neither a lead agency nor a responsible agency. For example, a local air district, as the agency with the responsibility for comprehensive air pollution control, could review and comment on an air quality analysis in a CEQA document for a proposed distribution center, even though the project was not subject to a permit or other pollution control requirements.

## APPENDIX F

To assist the lead agency in determining whether the project or activity may have a significant effect that would require the preparation of an EIR, the land use agency may consider criteria, or thresholds of significance, to assess the potential impacts of the project, including its air quality impacts. The land use agency must consider any credible evidence in addition to the thresholds, however, in determining whether the project or activity may have a significant effect that would trigger the preparation of an EIR.

The screening criteria to determine significance is based on a variety of factors, including local, state, and federal regulations, administrative practices of other public agencies, and commonly accepted professional standards. However, the final determination of significance for individual projects is the responsibility of the lead agency. In the case of land use projects, the lead agency would be the City Council or County Board of Supervisors.

A new land use plan or project can also trigger an environmental assessment under CEQA if, among other things, it will expose sensitive sites such as schools, day care centers, hospitals, retirement homes, convalescence facilities, and residences to substantial pollutant concentrations.<sup>3</sup>

CEQA only applies to “discretionary projects.” Discretionary means the public agency must exercise judgment and deliberation when deciding to approve or disapprove a particular project or activity, and may append specific conditions to its approval. Examples of discretionary projects include the issuance of a CUP, re-zoning a property, or widening of a public road. Projects that are not subject to the exercise of agency discretion, and can therefore be approved administratively through the application of set standards are referred to as ministerial projects. CEQA does not apply to ministerial projects.<sup>4</sup> Examples of typical ministerial projects include the issuance of most building permits or a business license.

Once a potential environmental impact associated with a project is identified through an environmental assessment, mitigation must be considered. A land use agency should incorporate mitigation measures that are suggested by the local air district as part of the project review process.

### Consultation

Application materials are provided to various departments and agencies that may have an interest in the project (e.g., air pollution, building, police, fire, water agency, Fish and Game, etc.) for consultation and input.

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<sup>3</sup> Readers interested in learning more about CEQA should contact OPR or visit their website at <http://www.opr.ca.gov/>.

<sup>4</sup> See California Public Resources Code section 21080(b)(1).

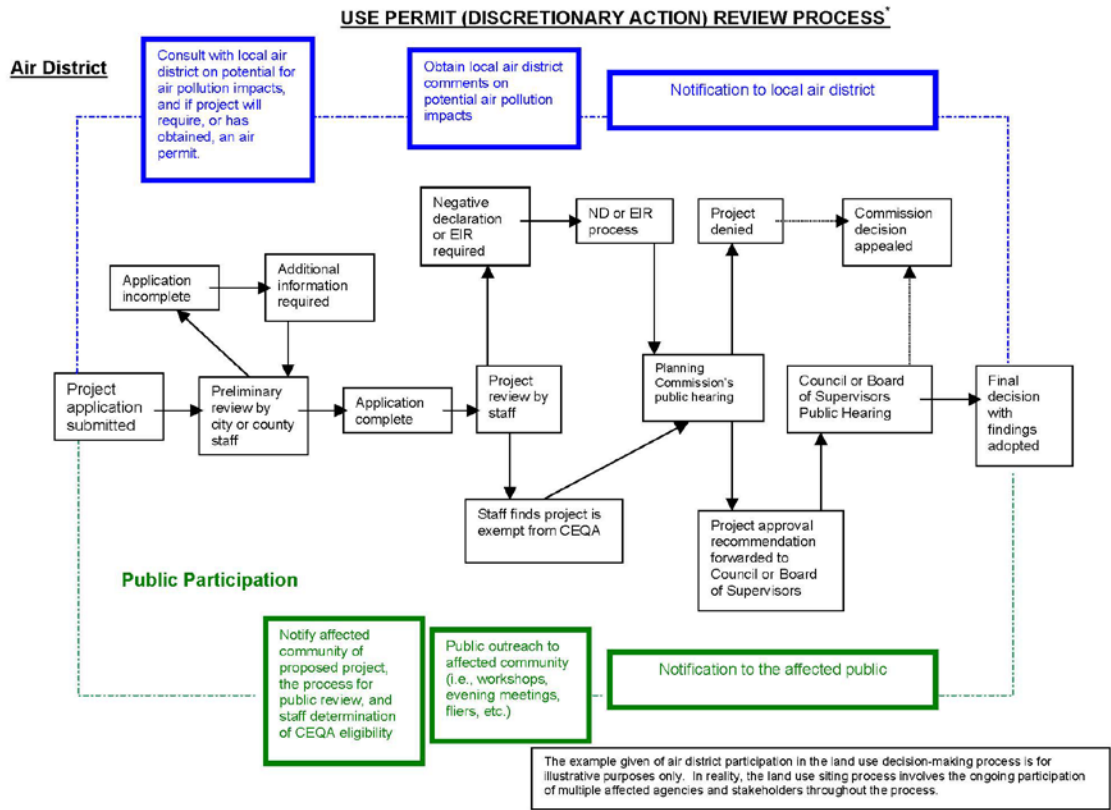
**APPENDIX F**Public Comment

Following the environmental review process, the Planning Commission reviews application along with the staff's report on the project assessment and a public comment period is set and input is solicited.

Public Hearing and Decision

Permit rules vary depending on the particular permit authority in question, but the process generally involves comparing the proposed project with the land use agency standards or policies. The procedure usually leads to a public hearing, which is followed by a written decision by the agency or its designated officer. Typically, a project is approved, denied, or approved subject to specified conditions.

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**APPENDIX G****GLOSSARY OF KEY AIR POLLUTION TERMS**

**Air Pollution Control Board or Air Quality Management Board:** Serves as the governing board for local air districts. It consists of appointed or elected members from the public or private sector. It conducts public hearings to adopt local air pollution regulations.

**Air Pollution Control Districts or Air Quality Management Districts (local air district):** A county or regional agency with authority to regulate stationary and area sources of air pollution within a given county or region. Governed by a district air pollution control board.

**Air Pollution Control Officer (APCO):** Head of a local air pollution control or air quality management district.

**Air Toxic Control Measures (ATCM):** A control measure adopted by the ARB (Health and Safety Code section 39666 et seq.), which reduces emissions of toxic air contaminants.

**Ambient Air Quality Standards:** An air quality standard defines the maximum amount of a pollutant that can be present in the outdoor air during a specific time period without harming the public's health. Only U.S. EPA and the ARB may establish air quality standards. No other state has this authority. Air quality standards are a measure of clean air. More specifically, an air quality standard establishes the concentration at which a pollutant is known to cause adverse health effects to sensitive groups within the population, such as children and the elderly. Federal standards are referred to as National Ambient Air Quality Standards (NAAQS); state standards are referred to as California ambient air quality standards (CAAQS).

**Area-wide Sources:** Sources of air pollution that individually emit small amounts of pollution, but together add up to significant quantities of pollution. Examples include consumer products, fireplaces, road dust, and farming operations.

**Attainment vs. Nonattainment Area:** An attainment area is a geographic area that meets the National Ambient Air Quality Standards for the criteria pollutants and a non-attainment area is a geographic area that doesn't meet the NAAQS for criteria pollutants.

**Attainment Plan:** Attainment plans lay out measures and strategies to attain one or more air quality standards by a specified date.

**California Clean Air Act (CCAA):** A California law passed in 1988, which provides the basis for air quality planning and regulation independent of federal regulations. A major element of the Act is the requirement that local air districts in violation of the CAAQS

## APPENDIX G

must prepare attainment plans which identify air quality problems, causes, trends, and actions to be taken to attain and maintain California's air quality standards by the earliest practicable date.

**California Environmental Quality Act (CEQA):** A California law that sets forth a process for public agencies to make informed decisions on discretionary project approvals. The process helps decision-makers determine whether any potential, significant, adverse environmental impacts are associated with a proposed project and to identify alternatives and mitigation measures that will eliminate or reduce such adverse impacts.<sup>1</sup>

**California Health and Safety Code:** A compilation of California laws, including state air pollution laws, enacted by the Legislature to protect the health and safety of people in California. Government agencies adopt regulations to implement specific provisions of the California Health and Safety Code.

**Clean Air Act (CAA):** The federal Clean Air Act was adopted by the United States Congress and sets forth standards, procedures, and requirements to be implemented by the U.S. Environmental Protection Agency (U.S. EPA) to protect air quality in the United States.

**Councils of Government (COGs):** There are 25 COGs in California made up of city and county elected officials. COGs are regional agencies concerned primarily with transportation planning and housing; they do not directly regulate land use.

**Criteria Air Pollutant:** An air pollutant for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. Examples include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and PM10 and PM2.5. The term "criteria air pollutants" derives from the requirement that the U.S. EPA and ARB must describe the characteristics and potential health and welfare effects of these pollutants. The U.S. EPA and ARB periodically review new scientific data and may propose revisions to the standards as a result.

**District Hearing Board:** Hears local air district permit appeals and issues variances and abatement orders. The local air district board appoints the members of the hearing board.

**Emission Inventory:** An estimate of the amount of pollutants emitted into the atmosphere from mobile, stationary, area-wide, and natural source categories over a specific period of time such as a day or a year.

**Environmental Impact Report (EIR):** The public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify

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<sup>1</sup> To track the submittal of CEQA documents to the State Clearinghouse within the Office of Planning and Research, the reader can refer to CEQAnet at <http://www.ceqanet.ca.gov>.

**APPENDIX G**

alternatives, and to disclose possible ways to reduce or avoid the possible negative environmental impacts.

**Environmental Justice:** California law defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (California Government Code sec.65040.12(c)).

**General Plans:** A statement of policies developed by local governments, including text and diagrams setting forth objectives, principles, standards, and plan proposals for the future physical development of the city or county.

**Hazardous Air Pollutants (HAPs):** An air pollutant listed under section 112 (b) of the federal Clean Air Act as particularly hazardous to health. U.S. EPA identifies emission sources of hazardous air pollutants, and emission standards are set accordingly. In California, HAPs are referred to as toxic air contaminants.

**Land Use Agency:** Local government agency that performs functions associated with the review, approval, and enforcement of general plans and plan elements, zoning, and land use permitting. For purposes of this Handbook, a land use agency is typically a local planning department.

**Mobile Source:** Sources of air pollution such as automobiles, motorcycles, trucks, off-road vehicles, boats, and airplanes.

**National Ambient Air Quality Standard (NAAQS):** A limit on the level of an outdoor air pollutant established by the US EPA pursuant to the Clean Air Act. There are two types of NAAQS. Primary standards set limits to protect public health and secondary standards set limits to protect public welfare.

**Negative Declaration (ND):** When the lead agency (the agency responsible for preparing the EIR or ND) under CEQA, finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a "negative declaration" instead of an EIR.

**New Source Review (NSR):** A federal Clean Air Act requirement that state implementation plans must include a permit review process, which applies to the construction and operation of new or modified stationary sources in nonattainment areas. Two major elements of NSR to reduce emissions are best available control technology requirements and emission offsets.

**Office of Planning and Research (OPR):** OPR is part of the Governor's office. OPR has a variety of functions related to local land-use planning and environmental programs. It provides General Plan Guidelines for city and county planners, and coordinates the state clearinghouse for Environmental Impact Reports.

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**Ordinance:** A law adopted by a City Council or County Board of Supervisors. Ordinances usually amend, repeal or supplement the municipal code; provide zoning specifications; or appropriate money for specific purposes.

**Overriding Considerations:** A ruling made by the lead agency in the CEQA process when the lead agency finds the importance of the project to the community outweighs potential adverse environmental impacts.

**Public Comment:** An opportunity for the general public to comment on regulations and other proposals made by government agencies. You can submit written or oral comments at the public meeting or send your written comments to the agency.

**Public Hearing:** A public hearing is an opportunity to testify on a proposed action by a governing board at a public meeting. The public and the media are welcome to attend the hearing and listen to, or participate in, the proceedings.

**Public Notice:** A public notice identifies the person, business, or local government seeking approval of a specific course of action (such as a regulation). It describes the activity for which approval is being sought, and describes the location where the proposed activity or public meeting will take place.

**Public Nuisance:** A public nuisance, for the purposes of air pollution regulations, is defined as a discharge from any source whatsoever of such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. (Health and Safety Code section 41700).

**Property Setback:** In zoning parlance, a setback is the minimum amount of space required between a lot line and a building line.

**Risk:** For cancer health effects, risk is expressed as an estimate of the increased chances of getting cancer due to facility emissions over a 70-year lifetime. This increase in risk is expressed as chances in a million (e.g., 10 chances in a million).

**Sensitive Individuals:** Refers to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality).

**Sensitive Sites or Sensitive Land Uses:** Land uses where sensitive individuals are most likely to spend time, including schools and schoolyards, parks and playgrounds, day care centers, nursing homes, hospitals, and residential communities.

**Setback:** An area of land separating one parcel of land from another that acts to soften or mitigate the effects of one land use on the other.



## APPENDIX G

**State Implementation Plan (SIP):** A plan prepared by state and local agencies and submitted to U.S. EPA describing how each area will attain and maintain national ambient air quality standards. SIPs include the technical information about emission inventories, air quality monitoring, control measures and strategies, and enforcement mechanisms. A SIP is composed of local air quality management plans and state air quality regulations.

**Stationary Sources:** Non-mobile sources such as power plants, refineries, and manufacturing facilities.

**Toxic Air Contaminant (TAC):** An air pollutant, identified in regulation by the ARB, which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health. TACs are considered under a different regulatory process (California Health and Safety Code section 39650 et seq.) than pollutants subject to State Ambient Air Quality Standards. Health effects associated with TACs may occur at extremely low levels. It is often difficult to identify safe levels of exposure, which produce no adverse health effects.

**Urban Background:** The term is used in this Handbook to represent the ubiquitous, elevated, regional air pollution levels observed in large urban areas in California.

**Zoning ordinances:** City councils and county boards of supervisors adopts zoning ordinances that set forth land use classifications, divides the county or city into land use zones as delineated on the official zoning, maps, and set enforceable standards for future develop



# EXHIBIT D

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7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10 COALITION FOR CLEAN AIR, et al.,  
 11 Plaintiff,  
 12 v.  
 13 VWR INTERNATIONAL, LLC, et al.,  
 14 Defendant.  
 15

Case No. 1:12-CV-1569-LJO-BAM

**CONSENT JUDGMENT**

17  
 18 Pursuant to Rules 54 and 58 of the Federal Rules of Civil Procedure, the Court hereby  
 19 ORDERS, ADJUDGES AND DECREES as follows:

20 1. Defendant VWR International, LLC (“VWR”) shall install two (2) electric vehicle  
 21 charging stations at its warehousing and distribution facility located at 8711 West Riggan Avenue  
 22 in the City of Visalia (the “Project”). VWR shall make said electric vehicle charging stations  
 23 available to VWR employees and/or customers.

24 2. VWR shall maintain the following features of the Project until June 11, 2022 (10  
 25 years after the Project became operational), unless VWR ceases to own and operate the Project in  
 26 its present form and for its present function prior to that time:

27 a. The emergency generator for the Project shall be powered by natural gas and  
 28

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- 1 include a catalytic converter.
- 2 b. Ninety percent of the truck carriers contracted to service the Project by VWR
- 3 shall be Environmental Protection Agency SmartWay partners, provided
- 4 however, that temporary variances from this percentage due to circumstances
- 5 not created by VWR shall not be a violation of this order.
- 6 c. The Project shall utilize energy efficient interior lighting, *i.e.*, light-emitting
- 7 diodes (“LED”), and T5 and T8 fluorescent lamps, provided, however, that this
- 8 order shall not prohibit VWR from incorporating new or different lighting
- 9 technology that is at least as efficient.
- 10 d. The Project shall utilize energy efficient exterior lighting, *i.e.*, LED, and T5
- 11 and T8 fluorescent lamps, provided, however, that this order shall not prohibit
- 12 VWR from incorporating new or different lighting technology that is at least as
- 13 efficient.
- 14 e. The air conditioning system for the management offices at the Project shall use
- 15 non-chlorofluorocarbon refrigerant.
- 16 f. Cooling for the main warehouse space at the Project shall be provided through
- 17 evaporative coolers rather than air conditioners, provided, however, that this
- 18 order shall not prohibit VWR from incorporating new or different cooling
- 19 technology that is at least as efficient.
- 20 g. The warehouse space at the Project shall incorporate automated airflow and
- 21 ventilation systems designed to minimize need for supplemental heating and
- 22 cooling within the warehouse space.
- 23 h. Forklifts and interior vehicles at the Project shall be electric powered.
- 24 i. The Project shall use a building automation system to control and optimize the
- 25 efficiency of its mechanical systems, including lighting, HVAC, exhaust
- 26 dampers, fans, and ventilation louvers
- 27 j. Interior lights shall incorporate motion sensors that turn them off when not in
- 28 use.

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CONSENT JUDGMENT

- 1 k. The Project shall incorporate a light colored “cool roof” membrane to reduce
- 2 surface temperature, heat island effect, and heat transfer to the interior of the
- 3 structure.
- 4 l. The landscape design and irrigation system shall be in compliance with LEED
- 5 Silver certification standards to reduce water consumption.
- 6 m. The warehouse shall incorporate water-efficient building design with water
- 7 efficient fixtures and appliances meeting LEED Silver certification standards.
- 8 n. The Project shall have an operational recycling program covering paper,
- 9 corrugated cardboard, glass, plastics and metals.
- 10 o. A bicycle rack shall be provided at the Project for employees who wish to
- 11 bicycle commute.
- 12 p. Five (5) premium car/vanpool spaces shall be provided at the Project.
- 13 3. Notwithstanding the provisions of paragraph 2, above, this order shall not prohibit
- 14 VWR from incorporating new or different technology at its facility instead of the specific
- 15 technology specified in paragraph 2, provided that is no less efficient than the technology
- 16 specified.
- 17 4. VWR need not take further action to comply with San Joaquin Valley Air
- 18 Pollution Control District Rule 9510, as incorporated into the California State Implementation
- 19 Plan under the Clean Air Act (42 U.S.C. Section 7604(a)).
- 20 5. VWR need not take further action to comply with Visalia Municipal Code Section
- 21 17.28.040A.
- 22 6. VWR shall pay no civil penalties.
- 23 7. Nothing in this judgment shall prohibit VWR from selling, transferring,
- 24 demolishing, rebuilding, or repurposing the Project, in whole or in part, or the real property upon
- 25 which it sits.
- 26 8. Except as may otherwise be provided by written agreement, each party shall bear
- 27 their own fees and costs.

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9. This judgment shall be entered by the clerk of the court forthwith. The Clerk is directed to close this action.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

IT IS SO ORDERED.

Dated: September 11, 2013

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

# EXHIBIT E



**Addressing Climate Change at the Project Level  
California Attorney General's Office**



Under the California Environmental Quality Act (CEQA), local agencies have a very important role to play in California's fight against global warming – one of the most serious environmental effects facing the State today. Local agencies can lead by example in undertaking their own projects, insuring that sustainability is considered at the earliest stages. Moreover, they can help shape private development. Where a project as proposed will have significant global warming related effects, local agencies can require feasible changes or alternatives, and impose enforceable, verifiable, feasible mitigation to substantially lessen those effects. By the sum of their actions and decisions, local agencies will help to move the State away from "business as usual" and toward a low-carbon future.

Included in this document are various measures that may reduce the global warming related impacts at the individual project level. (For more information on actions that local governments can take at the program and general plan level, please visit the Attorney General's webpage, "CEQA, Global Warming, and General Plans" at <http://ag.ca.gov/globalwarming/ceqa/generalplans.php>.)

As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees). The measures set forth in this package are examples; the list is not intended to be exhaustive. Moreover, the measures cited may not be appropriate for every project. The decision of whether to approve a project – as proposed or with required changes or mitigation – is for the local agency, exercising its informed judgment in compliance with the law and balancing a variety of public objectives.

**Mitigation Measures by Category**

**Energy Efficiency**

<p>Incorporate green building practices and design elements.</p>	<p>The California Department of Housing and Community Development's Green Building &amp; Sustainability Resources handbook provides extensive links to green building resources. The handbook is available at <a href="http://www.hcd.ca.gov/hpd/green_build.pdf">http://www.hcd.ca.gov/hpd/green_build.pdf</a>.</p> <p>The American Institute of Architects (AIA) has compiled fifty readily available strategies for reducing fossil fuel use in buildings by fifty percent. AIA "50 to 50" plan is presented in both guidebook and wiki format at <a href="http://wiki.aia.org/Wiki%20Pages/Home.aspx">http://wiki.aia.org/Wiki%20Pages/Home.aspx</a>.</p>
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<p>Meet recognized green building and energy efficiency benchmarks.</p>	<p>For example, an ENERGY STAR-qualified building uses less energy, is less expensive to operate, and causes fewer greenhouse gas emissions than comparable, conventional buildings. <a href="http://www.energystar.gov/index.cfm?c=business.bus_index">http://www.energystar.gov/index.cfm?c=business.bus_index</a>.</p> <p>California has over 1600 ENERGY STAR-qualified school, commercial and industrial buildings. View U.S. EPA's list of Energy Star non-residential buildings at <a href="http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings_locator">http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings_locator</a>. Los Angeles and San Francisco top the list of U.S. cities with the most ENERGY STAR non-residential buildings. <a href="http://www.energystar.gov/ia/business/downloads/2008_Top_25_cities_chart.pdf">http://www.energystar.gov/ia/business/downloads/2008_Top_25_cities_chart.pdf</a>.</p> <p>Qualified ENERGY STAR homes must surpass the state's Title 24 energy efficiency building code by at least 15%. Los Angeles, Sacramento, San Diego, and San Francisco-Oakland are among the top 20 markets for ENERGY STAR homes nationwide. <a href="http://www.energystar.gov/ia/new_homes/mil_homes/top_20_markets.html">http://www.energystar.gov/ia/new_homes/mil_homes/top_20_markets.html</a>. Builders of ENERGY STAR homes can be more competitive in a tight market by providing a higher quality, more desirable product. See <a href="http://www.energystar.gov/ia/partners/manuf_res/Horton.pdf">http://www.energystar.gov/ia/partners/manuf_res/Horton.pdf</a>.</p> <p>There are a variety of private and non-profit green building certification programs in use in the U.S. See U.S. EPA's Green Building / Frequently Asked Questions website, <a href="http://www.epa.gov/greenbuilding/pubs/faqs.htm">http://www.epa.gov/greenbuilding/pubs/faqs.htm</a>.</p> <p>Public-Private Partnership for Advancing Housing Technology maintains a list of national and state Green Building Certification Programs for housing. See <a href="http://www.pathnet.org/sp.asp?id=20978">http://www.pathnet.org/sp.asp?id=20978</a>. These include the national Leadership in Energy and Environmental Design (LEED) program, and, at the state level, Build it Green's GreenPoint Rated system and the California Green Builder program.</p> <p>Other organizations may provide other relevant benchmarks.</p>
<p>Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.</p>	<p>Information about ENERGY STAR-certified products in over 60 categories is available at <a href="http://www.energystar.gov/index.cfm?fuseaction=find_a_product">http://www.energystar.gov/index.cfm?fuseaction=find_a_product</a>.</p> <p>The California Energy Commission maintains a database of all appliances meeting either federal efficiency standards or, where there are no federal efficiency standards, California's appliance efficiency standards. See <a href="http://www.appliances.energy.ca.gov/">http://www.appliances.energy.ca.gov/</a>.</p> <p>The Electronic Product Environmental Assessment Tool (EPEAT) ranks computer products based on a set of environmental criteria, including energy efficiency. See <a href="http://www.epeat.net/AboutEPEAT.aspx">http://www.epeat.net/AboutEPEAT.aspx</a>.</p> <p>The nonprofit American Council for an Energy Efficient Economy maintains an Online Guide to Energy Efficient Commercial Equipment, available at <a href="http://www.aceee.org/ogeece/ch1_index.htm">http://www.aceee.org/ogeece/ch1_index.htm</a>.</p> <p>Utilities offer many incentives for efficient appliances, lighting, heating and cooling. To search for available residential and commercial incentives, visit Flex Your Power's website at <a href="http://www.fypower.org/">http://www.fypower.org/</a>.</p>

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<p>Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.</p>	<p>See U.S. Department of Energy, Passive Solar Design (website) <a href="http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10250">http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10250</a>.</p> <p>See also California Energy Commission, Consumer Energy Center, Passive Solar Design (website) <a href="http://www.consumerenergycenter.org/home/construction/solardesign/index.html">http://www.consumerenergycenter.org/home/construction/solardesign/index.html</a>.</p> <p>Lawrence Berkeley National Laboratories' Building Technologies Department is working to develop innovative building construction and design techniques. Information and publications on energy efficient buildings, including lighting, windows, and daylighting strategies, are available at the Department's website at <a href="http://btech.lbl.gov">http://btech.lbl.gov</a>.</p>
<p>Install light colored "cool" roofs and cool pavements.</p>	<p>A white or light colored roof can reduce surface temperatures by up to 100 degrees Fahrenheit, which also reduces the heat transferred into the building below. This can reduce the building's cooling costs, save energy and reduce associated greenhouse gas emissions, and extend the life of the roof. Cool roofs can also reduce the temperature of surrounding areas, which can improve local air quality. See California Energy Commission, Consumer Energy Center, Cool Roofs (webpage) at <a href="http://www.consumerenergycenter.org/coolroof/">http://www.consumerenergycenter.org/coolroof/</a>.</p> <p>See also Lawrence Berkeley National Laboratories, Heat Island Group (webpage) at <a href="http://eetd.lbl.gov/heatisland/">http://eetd.lbl.gov/heatisland/</a>.</p>
<p>Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.</p>	<p>LED lighting is substantially more energy efficient than conventional lighting and can save money. See <a href="http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf">http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf</a> (noting that installing LED traffic signals saved the City of Westlake about \$34,000 per year).</p> <p>As of 2005, only about a quarter of California's cities and counties were using 100% LEDs in traffic signals. See California Energy Commission (CEC), Light Emitting Diode Traffic Signal Survey (2005) at p. 15, available at <a href="http://www.energy.ca.gov/2005publications/CEC_400_2005_003/CEC_400_2005_003.PDF">http://www.energy.ca.gov/2005publications/CEC_400_2005_003/CEC_400_2005_003.PDF</a>.</p> <p>The California Energy Commission's Energy Partnership Program can help local governments take advantage of energy saving technology, including, but not limited to, LED traffic signals. See <a href="http://www.energy.ca.gov/efficiency/partnership/">http://www.energy.ca.gov/efficiency/partnership/</a>.</p>
<p>Reduce unnecessary outdoor lighting.</p>	<p>See California Energy Commission, Reduction of Outdoor Lighting (webpage) at <a href="http://www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html">http://www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html</a>.</p>

<p>Use automatic covers, efficient pumps and motors, and solar heating for pools and spas.</p>	<p>During the summer, a traditional backyard California pool can use enough energy to power an entire home for three months. Efficiency measures can substantially reduce this waste of energy and money. See California Energy Commission, Consumer Energy Center, Pools and Spas (webpage) at <a href="http://www.consumerenergycenter.org/home/outside/pools_spas.html">http://www.consumerenergycenter.org/home/outside/pools_spas.html</a>.</p> <p>See also Sacramento Municipal Utilities District, Pool and Spa Efficiency Program (webpage) at <a href="http://www.smud.org/en/residential/saving-energy/Pages/poolspa.aspx">http://www.smud.org/en/residential/saving-energy/Pages/poolspa.aspx</a>.</p>
<p>Provide education on energy efficiency to residents, customers and/or tenants.</p>	<p>Many cities and counties provide energy efficiency education. See, for example, the City of Stockton's Energy Efficiency website at <a href="http://www.stocktongov.com/energysaving/index.cfm">http://www.stocktongov.com/energysaving/index.cfm</a>. See also "Green County San Bernardino," <a href="http://www.greencountysb.com">http://www.greencountysb.com</a> at pp. 4-6.</p> <p>Businesses and development projects may also provide education. For example, a homeowners' association (HOA) could provide information to residents on energy-efficient mortgages and energy saving measures. See The Villas of Calvera Hills, Easy Energy Saving Tips to Help Save Electricity at <a href="http://www.thevillashoa.org/green/energy/">http://www.thevillashoa.org/green/energy/</a>. An HOA might also consider providing energy audits to its residents on a regular basis.</p>

**Renewable Energy and Energy Storage**

<p>Meet "reach" goals for building energy efficiency and renewable energy use.</p>	<p>A "zero net energy" building combines building energy efficiency and renewable energy generation so that, on an annual basis, any purchases of electricity or natural gas are offset by clean, renewable energy generation, either on-site or nearby. Both the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC) have stated that residential buildings should be zero net energy by 2020, and commercial buildings by 2030. See CEC, 2009 Integrated Energy Policy Report (Dec. 2009) at p. 226, available at <a href="http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF">http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF</a>; CPUC, Long Term Energy Efficiency Strategic Plan (Sept. 2008), available at <a href="http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/eesp/">http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/eesp/</a>.</p>
<p>Install solar, wind, and geothermal power systems and solar hot water heaters.</p>	<p>The California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a \$3.3 billion, ten-year program to install solar panels on one million roofs in the State. Visit the one-stop GoSolar website at <a href="http://www.gosolarcalifornia.org/">http://www.gosolarcalifornia.org/</a>. As mitigation, a developer could, for example, agree to participate in the New Solar Homes program. See <a href="http://www.gosolarcalifornia.org/builders/index.html">http://www.gosolarcalifornia.org/builders/index.html</a>.</p> <p>The CPUC is in the process of establishing a program to provide solar water heating incentives under the California Solar Initiative. For more information, visit the CPUC's website at <a href="http://www.cpuc.ca.gov/puc/energy/solar/swh.htm">http://www.cpuc.ca.gov/puc/energy/solar/swh.htm</a>.</p> <p>To search for available residential and commercial renewable energy incentives, visit Flex Your Power's website at <a href="http://www.fypower.org/">http://www.fypower.org/</a>.</p>

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<p>Install solar panels on unused roof and ground space and over carports and parking areas.</p>	<p>In 2008 Southern California Edison (SCE) launched the nation’s largest installation of photovoltaic power generation modules. The utility plans to cover 65 million square feet of unused commercial rooftops with 250 megawatts of solar technology – generating enough energy to meet the needs of approximately 162,000 homes. Learn more about SCE’s Solar Rooftop Program at <a href="http://www.sce.com/solarleadership/solar-rooftop-program/general-faq.htm">http://www.sce.com/solarleadership/solar-rooftop-program/general-faq.htm</a>.</p> <p>In 2009, Walmart announced its commitment to expand the company’s solar power program in California. The company plans to add solar panels on 10 to 20 additional Walmart facilities in the near term. These new systems will be in addition to the 18 solar arrays currently installed at Walmart facilities in California. See <a href="http://walmartstores.com/FactsNews/NewsRoom/9091.aspx">http://walmartstores.com/FactsNews/NewsRoom/9091.aspx</a>.</p> <p>Alameda County has installed two solar tracking carports, each generating 250 kilowatts. By 2005, the County had installed eight photovoltaic systems totaling over 2.3 megawatts. The County is able to meet 6 percent of its electricity needs through solar power. See <a href="http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf">http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf</a>.</p> <p>In 2007, California State University, Fresno installed a 1.1-megawatt photovoltaic (PV)-paneled parking installation. The University expects to save more than \$13 million in avoided utility costs over the project’s 30-year lifespan. <a href="http://www.fresnostatenews.com/2007/11/solarwrapup2.htm">http://www.fresnostatenews.com/2007/11/solarwrapup2.htm</a>.</p>
<p>Where solar systems cannot feasibly be incorporated into the project at the outset, build “solar ready” structures.</p>	<p>U.S. Department of Energy, A Homebuilder’s Guide to Going Solar (brochure) (2008), available at <a href="http://www.eere.energy.gov/solar/pdfs/43076.pdf">http://www.eere.energy.gov/solar/pdfs/43076.pdf</a>.</p>
<p>Incorporate wind and solar energy systems into agricultural projects where appropriate.</p>	<p>Wind energy can be a valuable crop for farmers and ranchers. Wind turbines can generate energy to be used on-site, reducing electricity bills, or they can yield lease revenues (as much as \$4000 per turbine per year). Wind turbines generally are compatible with rural land uses, since crops can be grown and livestock can be grazed up to the base of the turbine. See National Renewable Energy Laboratory, Wind Powering America Fact Sheet Series, Wind Energy Benefits, available at <a href="http://www.nrel.gov/docs/fy05osti/37602.pdf">http://www.nrel.gov/docs/fy05osti/37602.pdf</a>.</p> <p>Solar PV is not just for urban rooftops. For example, the Scott Brothers’ dairy in San Jacinto, California, has installed a 55-kilowatt solar array on its commodity barn, with plans to do more in the coming years. See <a href="http://www.dairyherd.com/directories.asp?pgID=724&amp;ed_id=8409">http://www.dairyherd.com/directories.asp?pgID=724&amp;ed_id=8409</a> (additional California examples are included in article.)</p>

<p>Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.</p>	<p>See National Renewable Energy Laboratory, Energy Storage Basics (webpage) at <a href="http://www.nrel.gov/learning/eds_energy_storage.html">http://www.nrel.gov/learning/eds_energy_storage.html</a>.</p> <p>California Energy Storage Alliance (webpage) at <a href="http://storagealliance.org/about.html">http://storagealliance.org/about.html</a>.</p> <p>Storage is not just for large, utility scale projects, but can be part of smaller industrial, commercial and residential projects. For example, Ice Storage Air Conditioning (ISAC) systems, designed for residential and nonresidential buildings, produce ice at night and use it during peak periods for cooling. See California Energy Commission, Staff Report, Ice Storage Air Conditioners, Compliance Options Application (May 2006), available at <a href="http://www.energy.ca.gov/2006publications/CEC-400-2006-006/CEC-400-2006-006-SF.PDF">http://www.energy.ca.gov/2006publications/CEC-400-2006-006/CEC-400-2006-006-SF.PDF</a>.</p>
<p>Use on-site generated biogas, including methane, in appropriate applications.</p>	<p>At the Hilarides Dairy in Lindsay, California, an anaerobic-lagoon digester processes the run-off of nearly 10,000 cows, generating 226,000 cubic feet of biogas per day and enough fuel to run two heavy duty trucks. This has reduced the dairy's diesel consumption by 650 gallons a day, saving the dairy money and improving local air quality. See <a href="http://www.arb.ca.gov/newsrel/nr021109b.htm">http://www.arb.ca.gov/newsrel/nr021109b.htm</a>; see also Public Interest Energy Research Program, Dairy Power Production Program, Dairy Methane Digester System, 90-Day Evaluation Report, Eden Vale Dairy (Dec. 2006) at <a href="http://www.energy.ca.gov/2006publications/CEC_500_2006_083/CEC_500_2006_083.PDF">http://www.energy.ca.gov/2006publications/CEC_500_2006_083/CEC_500_2006_083.PDF</a>.</p> <p>Landfill gas is a current and potential source of substantial energy in California. See Tom Frankiewicz, Program Manager, U.S. EPA Landfill Methane Outreach Program, Landfill Gas Energy Potential in California, available at <a href="http://www.energy.ca.gov/2009_energy/policy/documents/2009-04-21_workshop/presentations/05-SCS_Engineers_Presentation.pdf">http://www.energy.ca.gov/2009_energy/policy/documents/2009-04-21_workshop/presentations/05-SCS_Engineers_Presentation.pdf</a>.</p> <p>There are many current and emerging technologies for converting landfill methane that would otherwise be released as a greenhouse gas into clean energy. See California Integrated Waste Management Board, Emerging Technologies, Landfill Gas-to-Energy (webpage) at <a href="http://www.ciwmb.ca.gov/LEACentral/TechServices/EmergingTech/default.htm">http://www.ciwmb.ca.gov/LEACentral/TechServices/EmergingTech/default.htm</a>.</p>

<p>Use combined heat and power (CHP) in appropriate applications.</p>	<p>Many commercial, industrial, and campus-type facilities (such as hospitals, universities and prisons) use fuel to produce steam and heat for their own operations and processes. Unless captured, much of this heat is wasted. CHP captures waste heat and re-uses it, e.g., for residential or commercial space heating or to generate electricity. See U.S. EPA, Catalog of CHP Technologies at <a href="http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf">http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf</a> and California Energy Commission, Distributed Energy Resource Guide, Combined Heat and Power (webpage) at <a href="http://www.energy.ca.gov/distgen/equipment/chp/chp.html">http://www.energy.ca.gov/distgen/equipment/chp/chp.html</a>.</p> <p>The average efficiency of fossil-fueled power plants in the United States is 33 percent. By using waste heat recovery technology, CHP systems typically achieve total system efficiencies of 60 to 80 percent. CHP can also substantially reduce emissions of carbon dioxide. <a href="http://www.epa.gov/chp/basic/efficiency.html">http://www.epa.gov/chp/basic/efficiency.html</a>.</p> <p>Currently, CHP in California has a capacity of over 9 million kilowatts. See list of California CHP facilities at <a href="http://www.eea-inc.com/chpdata/States/CA.html">http://www.eea-inc.com/chpdata/States/CA.html</a>.</p> <p>The Waste Heat and Carbon Emissions Reduction Act (Assembly Bill 1613 (2007), amended by Assembly Bill 2791 (2008)) is designed to encourage the development of new CHP systems in California with a generating capacity of not more than 20 megawatts. Among other things, the Act requires the California Public Utilities Commission to establish (1) a standard tariff allowing CHP generators to sell electricity for delivery to the grid and (2) a "pay as you save" pilot program requiring electricity corporations to finance the installation of qualifying CHP systems by nonprofit and government entities. For more information, see <a href="http://www.energy.ca.gov/wasteheat/">http://www.energy.ca.gov/wasteheat/</a>.</p>
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**Water Conservation and Efficiency**

<p>Incorporate water-reducing features into building and landscape design.</p>	<p>According to the California Energy Commission, water-related energy use – which includes conveyance, storage, treatment, distribution, wastewater collection, treatment, and discharge – consumes about 19 percent of the State's electricity, 30 percent of its natural gas, and 88 billion gallons of diesel fuel every year. See <a href="http://www.energy.ca.gov/2007publications/CEC_999_2007_008/CEC_999_2007_008.PDF">http://www.energy.ca.gov/2007publications/CEC_999_2007_008/CEC_999_2007_008.PDF</a>. Reducing water use and improving water efficiency can help reduce energy use and greenhouse gas emissions.</p>
<p>Create water-efficient landscapes.</p>	<p>The California Department of Water Resources' updated Model Water Efficient Landscape Ordinance (Sept. 2009) is available at <a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/technical.cfm">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/technical.cfm</a>.</p> <p>A landscape can be designed from the beginning to use little or no water, and to generate little or no waste. See California Integrated Waste Management Board, Xeriscaping (webpage) at <a href="http://www.ciwmb.ca.gov/organics/Xeriscaping/">http://www.ciwmb.ca.gov/organics/Xeriscaping/</a>.</p>

<p>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and use water-efficient irrigation methods.</p>	<p>U.S. Department of Energy, Best Management Practice: Water-Efficient Irrigation (webpage) at <a href="http://www1.eere.energy.gov/femp/program/waterefficiency_bmp5.html">http://www1.eere.energy.gov/femp/program/waterefficiency_bmp5.html</a>.</p> <p>California Department of Water Resources, Landscape Water Use Efficiency (webpage) at <a href="http://www.water.ca.gov/wateruseefficiency/landscape/">http://www.water.ca.gov/wateruseefficiency/landscape/</a>.</p> <p>Pacific Institute, More with Less: Agricultural Water Conservation and Efficiency in California (2008), available at <a href="http://www.pacinst.org/reports/more_with_less_delta/index.htm">http://www.pacinst.org/reports/more_with_less_delta/index.htm</a>.</p>
<p>Make effective use of graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines. Graywater to be used for landscape irrigation.)</p>	<p>California Building Standards Commission, 2008 California Green Building Standards Code, Section 604, pp. 31-32, available at <a href="http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf">http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf</a>.</p> <p>California Department of Water Resources, Dual Plumbing Code (webpage) at <a href="http://www.water.ca.gov/recycling/DualPlumbingCode/">http://www.water.ca.gov/recycling/DualPlumbingCode/</a>.</p> <p>See also Ahwahnee Water Principles, Principle 6, at <a href="http://www.lgc.org/ahwahnee/h2o_principles.html">http://www.lgc.org/ahwahnee/h2o_principles.html</a>. The Ahwahnee Water Principles have been adopted by City of Willits, Town of Windsor, Menlo Park, Morgan Hill, Palo Alto, Petaluma, Port Hueneme, Richmond, Rohnert Park, Rolling Hills Estates, San Luis Obispo, Santa Paula, Santa Rosa, City of Sunnyvale, City of Ukiah, Ventura, Marin County, Marin Municipal Water District, and Ventura County.</p>
<p>Implement low-impact development practices that maintain the existing hydrology of the site to manage storm water and protect the environment.</p>	<p>Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site. See U.S. EPA, Low Impact Development (webpage) at <a href="http://www.epa.gov/nps/lid/">http://www.epa.gov/nps/lid/</a>.</p> <p>Office of Environmental Health Hazard Assessment and the California Water and Land Use Partnership, Low Impact Development at <a href="http://www.coastal.ca.gov/nps/lid-factsheet.pdf">http://www.coastal.ca.gov/nps/lid-factsheet.pdf</a>.</p>
<p>Devise a comprehensive water conservation strategy appropriate for the project and location.</p>	<p>The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</p>
<p>Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</p>	<p>Department of General Services, Best Practices Manual, Water-Efficient Fixtures and Appliances (website) at <a href="http://www.green.ca.gov/EPP/building/SaveH2O.htm">http://www.green.ca.gov/EPP/building/SaveH2O.htm</a>.</p> <p>Many ENERGY STAR products have achieved their certification because of water efficiency. See California Energy Commission's database, available at <a href="http://www.appliances.energy.ca.gov/">http://www.appliances.energy.ca.gov/</a>.</p>



<p>Offset water demand from new projects so that there is no net increase in water use.</p>	<p>For example, the City of Lompoc has a policy requiring new development to offset new water demand with savings from existing water users. See <a href="http://www.cityoflompoc.com/utilities/pdf/2005_uwmp_final.pdf">http://www.cityoflompoc.com/utilities/pdf/2005_uwmp_final.pdf</a> at p. 29.</p>
<p>Provide education about water conservation and available programs and incentives.</p>	<p>See, for example, the City of Santa Cruz, Water Conservation Office at <a href="http://www.ci.santa-cruz.ca.us/index.aspx?page=395">http://www.ci.santa-cruz.ca.us/index.aspx?page=395</a>; Santa Clara Valley Water District, Water Conservation at <a href="http://www.valleywater.org/conservation/index.shtm">http://www.valleywater.org/conservation/index.shtm</a>; and Metropolitan Water District and the Family of Southern California Water Agencies, Be Water Wise at <a href="http://www.bewaterwise.com">http://www.bewaterwise.com</a>. Private projects may provide or fund similar education.</p>

**Solid Waste Measures**

<p>Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).</p>	<p>Construction and demolition materials account for almost 22 percent of the waste stream in California. Reusing and recycling these materials not only conserves natural resources and energy, but can also save money. For a list of best practices and other resources, see California Integrated Waste Management Board, Construction and Demolition Debris Recycling (webpage) at <a href="http://www.ciwmb.ca.gov/condemo/">http://www.ciwmb.ca.gov/condemo/</a>.</p>
<p>Integrate reuse and recycling into residential industrial, institutional and commercial projects.</p>	<p>Tips on developing a successful recycling program, and opportunities for cost-effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See <a href="http://zerowaste.ca.gov/">http://zerowaste.ca.gov/</a>.</p> <p>The Institute for Local Government's Waste Reduction &amp; Recycling webpage contains examples of "best practices" for reducing greenhouse gas emissions, organized around waste reduction and recycling goals and additional examples and resources. See <a href="http://www.ca-ilg.org/wastereduction">http://www.ca-ilg.org/wastereduction</a>.</p>
<p>Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.</p>	<p>Tips on developing a successful recycling program, and opportunities for cost effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See <a href="http://zerowaste.ca.gov/">http://zerowaste.ca.gov/</a>.</p>
<p>Provide education and publicity about reducing waste and available recycling services.</p>	<p>Many cities and counties provide information on waste reduction and recycling. See, for example, the Butte County Guide to Recycling at <a href="http://www.recyclebutte.net">http://www.recyclebutte.net</a>.</p> <p>The California Integrated Waste Management Board's website contains numerous publications on recycling and waste reduction that may be helpful in devising an education project. See <a href="http://www.ciwmb.ca.gov/Publications/default.asp?cat=13">http://www.ciwmb.ca.gov/Publications/default.asp?cat=13</a>. Private projects may also provide waste and recycling education directly, or fund education.</p>

AGO, Project Level Mitigation Measures  
 [Rev. 1/6/2010]  
 Available at [http://aq.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://aq.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)

**Land Use Measures**

<p>Ensure consistency with "smart growth" principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.</p>	<p>U.S. EPA maintains an extensive Smart Growth webpage with links to examples, literature and technical assistance, and financial resources. See <a href="http://www.epa.gov/smartgrowth/index.htm">http://www.epa.gov/smartgrowth/index.htm</a>.</p> <p>The National Oceanic and Atmospheric Administration's webpage provides smart growth recommendations for communities located near water. See Coastal &amp; Waterfront Smart Growth (webpage) at <a href="http://coastalsmartgrowth.noaa.gov/">http://coastalsmartgrowth.noaa.gov/</a>. The webpage includes case studies from California.</p> <p>The California Energy Commission has recognized the important role that land use can play in meeting our greenhouse gas and energy efficiency goals. The agency's website, Smart Growth &amp; Land Use Planning, contains useful information and links to relevant studies, reports, and other resources. See <a href="http://www.energy.ca.gov/landuse/">http://www.energy.ca.gov/landuse/</a>.</p> <p>The Metropolitan Transportation Commission's webpage, Smart Growth / Transportation for Livable Communities, includes resources that may be useful to communities in the San Francisco Bay Area and beyond. See <a href="http://www.mtc.ca.gov/planning/smart_growth/">http://www.mtc.ca.gov/planning/smart_growth/</a>.</p> <p>The Sacramento Area Council of Governments (SACOG) has published examples of smart growth in action in its region. See Examples from the Sacramento Region of the Seven Principles of Smart Growth / Better Ways to Grow, available at <a href="http://www.sacog.org/regionalfunding/betterways.pdf">http://www.sacog.org/regionalfunding/betterways.pdf</a>.</p>
<p>Meet recognized "smart growth" benchmarks.</p>	<p>For example, the LEED for Neighborhood Development (LEED-ND) rating system integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED-ND is a collaboration among the U.S. Green Building Council, Congress for the New Urbanism, and the Natural Resources Defense Council. For more information, see <a href="http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148">http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148</a>.</p>
<p>Educate the public about the many benefits of well-designed, higher density development.</p>	<p>See, for example, U.S. EPA, Growing Smarter, Living Healthier: A Guide to Smart Growth and Active Aging (webpage), discussing how compact, walkable communities can provide benefits to seniors. See <a href="http://www.epa.gov/aging/bhc/guide/index.html">http://www.epa.gov/aging/bhc/guide/index.html</a>.</p> <p>U.S. EPA, Environmental Benefits of Smart Growth (webpage) at <a href="http://www.epa.gov/dced/topics/eb.htm">http://www.epa.gov/dced/topics/eb.htm</a> (noting local air and water quality improvements).</p> <p>Centers for Disease Control and Prevention (CDC), Designing and Building Healthy Places (webpage), at <a href="http://www.cdc.gov/healthyplaces/">http://www.cdc.gov/healthyplaces/</a>. The CDC's website discusses the links between walkable communities and public health and includes numerous links to educational materials.</p> <p>California Department of Housing and Community Development, Myths and Facts About Affordable and High Density Housing (2002), available at <a href="http://www.hcd.ca.gov/hpd/mythsnfacts.pdf">http://www.hcd.ca.gov/hpd/mythsnfacts.pdf</a>.</p>

<p>Incorporate public transit into the project's design.</p>	<p>Federal Transit Administration, Transit-Oriented Development (TOD) (webpage) at <a href="http://www.fta.dot.gov/planning/planning_environment_6932.html">http://www.fta.dot.gov/planning/planning_environment_6932.html</a> (describing the benefits of TOD as "social, environmental, and fiscal.")</p> <p>California Department of Transportation (Caltrans), Statewide Transit-Oriented Development Study: Factors for Success in California (2002), available at <a href="http://transitorienteddevelopment.dot.ca.gov/miscellaneous/StatewideTOD.htm">http://transitorienteddevelopment.dot.ca.gov/miscellaneous/StatewideTOD.htm</a></p> <p>Caltrans, California Transit-Oriented Development Searchable Database (includes detailed information on numerous TODs), available at <a href="http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp">http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp</a>.</p> <p>California Department of Housing and Community Development, Transit Oriented Development (TOD) Resources (Aug. 2009), available at <a href="http://www.hcd.ca.gov/hpd/tod.pdf">http://www.hcd.ca.gov/hpd/tod.pdf</a>.</p>
<p>Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.</p>	<p>U.S. EPA, Smart Growth and Open Space Conservation (webpage) at <a href="http://www.epa.gov/dced/openspace.htm">http://www.epa.gov/dced/openspace.htm</a>.</p>
<p>Develop "brownfields" and other underused or defunct properties near existing public transportation and jobs.</p>	<p>U.S. EPA, Smart Growth and Brownfields (webpage) at <a href="http://www.epa.gov/dced/brownfields.htm">http://www.epa.gov/dced/brownfields.htm</a>.</p> <p>For example, as set forth in the Local Government Commission's case study, the Town of Hercules, California reclaimed a 426-acre brownfield site, transforming it into a transit-friendly, walkable neighborhood. See <a href="http://www.lgc.org/freepub/docs/community_design/fact_sheets/er_case_studies.pdf">http://www.lgc.org/freepub/docs/community_design/fact_sheets/er_case_studies.pdf</a>.</p> <p>For financial resources that can assist in brownfield development, see Center for Creative Land Recycling, Financial Resources for California Brownfields (July 2008), available at <a href="http://www.cclr.org/media/publications/8-Financial_Resources_2008.pdf">http://www.cclr.org/media/publications/8-Financial_Resources_2008.pdf</a>.</p>
<p>Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.</p>	<p>See U.S. Department of Transportation, Federal Highway Administration, Bicycle and Pedestrian Program (webpage) at <a href="http://www.fhwa.dot.gov/environment/bikeped/">http://www.fhwa.dot.gov/environment/bikeped/</a>.</p> <p>Caltrans, Pedestrian and Bicycle Facilities in California / A Technical Reference and Technology Transfer Synthesis for Caltrans Planners and Engineers (July 2005), available at <a href="http://www.dot.ca.gov/hq/traffops/survey/pedestrian/TR_MAY0405.pdf">http://www.dot.ca.gov/hq/traffops/survey/pedestrian/TR_MAY0405.pdf</a>. This reference includes standard and innovative practices for pedestrian facilities and traffic calming.</p>

**Transportation and Motor Vehicles**

<p>Meet an identified transportation-related benchmark.</p>	<p>A logical benchmark might be related to vehicles miles traveled (VMT), e.g., average VMT per capita, per household, or per employee. As the California Energy Commission has noted, VMT by California residents increased "a rate of more than 3 percent a year between 1975 and 2004, markedly faster than the population growth rate over the same period, which was less than 2 percent. This increase in VMT correlates to an increase in petroleum use and GHG production and has led to the transportation sector being responsible for 41 percent of the state's GHG emissions in 2004." CEC, The Role of Land Use in Meeting California's Energy and Climate Change Goals (Aug. 2007) at p. 9, available at <a href="http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF">http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF</a>.</p> <p>Even with regulations designed to increase vehicle efficiency and lower the carbon content of fuel, "reduced VMT growth will be required to meet GHG reductions goals." <i>Id.</i> at p. 18.</p>
<p>Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.</p>	<p>For example, reduce parking for private vehicles while increasing options for alternative transportation; eliminate minimum parking requirements for new buildings; "unbundle" parking (require that parking is paid for separately and is not included in rent for residential or commercial space); and set appropriate pricing for parking.</p> <p>See U.S. EPA, Parking Spaces / Community Places, Finding the Balance Through Smart Growth Solutions (Jan. 2006), available at <a href="http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf">http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf</a>.</p> <p>Reforming Parking Policies to Support Smart Growth, Metropolitan Transportation Commission (June 2007) at <a href="http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox_Handbook.pdf">http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox_Handbook.pdf</a>.</p> <p>See also the City of Ventura's Downtown Parking and Mobility Plan, available at <a href="http://www.cityofventura.net/community_development/resources/mobility_parking_plan.pdf">http://www.cityofventura.net/community_development/resources/mobility_parking_plan.pdf</a>, and Ventura's Downtown Parking Management Program, available at <a href="http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/chapters.asp">http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/chapters.asp</a>.</p>
<p>Build or fund a major transit stop within or near the development.</p>	<p>"Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." (Pub. Res. Code, § 21064.3.)</p> <p>Transit Oriented Development (TOD) is a moderate to higher density development located within an easy walk of a major transit stop. <a href="http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewWhatisTOD.htm">http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewWhatisTOD.htm</a>.</p> <p>By building or funding a major transit stop, an otherwise ordinary development can become a TOD.</p>

<p>Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers.</p>	<p>See U.S. Department of Transportation and U.S. EPA, Commuter Choice Primer / An Employer's Guide to Implementing Effective Commuter Choice Programs, available at <a href="http://www.its.dot.gov/JPODOCS/REPTS_PR/13669.html">http://www.its.dot.gov/JPODOCS/REPTS_PR/13669.html</a>.</p> <p>The Emery Go Round shuttle is a private transportation service funded by commercial property owners in the citywide transportation business improvement district. The shuttle links a local shopping district to a Bay Area Rapid Transit stop. See <a href="http://www.emerygoround.com/">http://www.emerygoround.com/</a>.</p> <p>Seattle, Washington maintains a public transportation "ride free" zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See <a href="http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare">http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare</a>.</p>
<p>Promote "least polluting" ways to connect people and goods to their destinations.</p>	<p>Promoting "least polluting" methods of moving people and goods is part of a larger, integrated "sustainable streets" strategy now being explored at U.C. Davis's Sustainable Transportation Center. Resources and links are available at the Center's website, <a href="http://stc.ucdavis.edu/outreach/ssp.php">http://stc.ucdavis.edu/outreach/ssp.php</a>.</p>
<p>Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments.</p>	<p>Bicycling can have a profound impact on transportation choices and air pollution reduction. The City of Davis has the highest rate of bicycling in the nation. Among its 64,000 residents, 17 percent travel to work by bicycle and 41 percent consider the bicycle their primary mode of transportation. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at <a href="http://www.arb.ca.gov/planning/tsag/bicycle/factsht.htm">http://www.arb.ca.gov/planning/tsag/bicycle/factsht.htm</a>.</p> <p>For recommendations on best practices, see the many resources listed at the U.S. Department of Transportation, Federal Highway Administration's Bicycle and Pedestrian website at <a href="http://www.fhwa.dot.gov/environment/bikeped/publications.htm">http://www.fhwa.dot.gov/environment/bikeped/publications.htm</a>.</p> <p>See also Caltrans Division of Research and Innovation, Designing Highway Facilities To Encourage Walking, Biking and Transit (Preliminary Investigation) (March 2009), available at <a href="http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/pi-design_for_walking_%20biking_and_transit%20final.pdf">http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/pi-design_for_walking_%20biking_and_transit%20final.pdf</a>.</p>
<p>Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.</p>	<p>According to local and national surveys of potential bicycle commuters, secure bicycle parking and workplace changing facilities are important complements to safe and convenient routes of travel. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at <a href="http://www.arb.ca.gov/planning/tsag/bicycle/factsht.htm">http://www.arb.ca.gov/planning/tsag/bicycle/factsht.htm</a>.</p>

<p>Ensure that the project enhances, and does not disrupt or create barriers to, non-motorized transportation.</p>	<p>See, e.g., U.S. EPA's list of transit-related "smart growth" publications at <a href="http://www.epa.gov/dced/publications.htm#air">http://www.epa.gov/dced/publications.htm#air</a>, including Pedestrian and Transit-Friendly Design: A Primer for Smart Growth (1999), available at <a href="http://www.epa.gov/dced/pdf/ptfd_primer.pdf">www.epa.gov/dced/pdf/ptfd_primer.pdf</a>.</p> <p>See also Toolkit for Improving Walkability in Alameda County, available at <a href="http://www.acta2002.com/ped_toolkit/ped_toolkit_print.pdf">http://www.acta2002.com/ped_toolkit/ped_toolkit_print.pdf</a>.</p> <p>Pursuant to the California Complete Streets Act of 2008 (AB 1358, Gov. Code, §§ 65040.2 and 65302), commencing January 1, 2011, upon any substantive revision of the circulation element of the general plan, a city or county will be required to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users.</p>
<p>Connect parks and open space through shared pedestrian/bike paths and trails to encourage walking and bicycling. Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.</p>	<p>Walk Score ranks the "walkability" of neighborhoods in the largest 40 U.S. cities, including seven California cities. Scores are based on the distance to nearby amenities. Explore Walk Score at <a href="http://www.walkscore.com/">http://www.walkscore.com/</a>.</p> <p>In many markets, homes in walkable neighborhoods are worth more than similar properties where walking is more difficult. See Hoak, <i>Walk appeal / Homes in walkable neighborhoods sell for more: study</i>, Wall Street Journal (Aug. 18, 2009), available at <a href="http://www.marketwatch.com/story/homes-in-walkable-neighborhoods-sell-for-more-2009-08-18">http://www.marketwatch.com/story/homes-in-walkable-neighborhoods-sell-for-more-2009-08-18</a>.</p> <p>By creating walkable neighborhoods with more transportation choices, Californians could save \$31 million and cut greenhouse gas emissions by 34 percent, according to a study released by Transform, a coalition of unions and nonprofits. See <i>Windfall for All / How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy</i> (Nov. 2009), available at <a href="http://transformca.org/windfall-for-all#download-report">http://transformca.org/windfall-for-all#download-report</a>.</p>
<p>Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.</p>	<p>In some communities, twenty to twenty-five percent of morning traffic is due to parents driving their children to school. Increased traffic congestion around schools in turn prompts even more parents to drive their children to school. Programs to create safe routes to schools can break this harmful cycle. See California Department of Public Health, <i>Safe Routes to School</i> (webpage) and associated links at <a href="http://www.cdph.ca.gov/HealthInfo/injviosaif/Pages/SafeRoutesToSchool.aspx">http://www.cdph.ca.gov/HealthInfo/injviosaif/Pages/SafeRoutesToSchool.aspx</a>.</p> <p>See also U.S. EPA, <i>Smart Growth and Schools</i> (webpage), available at <a href="http://www.epa.gov/dced/schools.htm">http://www.epa.gov/dced/schools.htm</a>.</p> <p>California Center for Physical Activity, <i>California Walk to School</i> (website) at <a href="http://www.cawalktoschool.com">http://www.cawalktoschool.com</a></p> <p>Regular school bus service (using lower-emitting buses) for children who cannot bike or walk to school could substantially reduce private vehicle congestion and air pollution around schools. See Air Resources Board, <i>Lower Emissions School Bus Program</i> (webpage) at <a href="http://www.arb.ca.gov/msprog/schoolbus/schoolbus.htm">http://www.arb.ca.gov/msprog/schoolbus/schoolbus.htm</a>.</p>

<p>Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.</p>	<p>There are numerous sites on the web with resources for employers seeking to establish telework or flexible work programs. These include U.S. EPA's Mobility Management Strategies: Commuter Programs website at <a href="http://www.epa.gov/otaq/stateresources/relinks/mms_commprograms.htm">http://www.epa.gov/otaq/stateresources/relinks/mms_commprograms.htm</a>; and Telework, the federal government's telework website, at <a href="http://www.telework.gov/">http://www.telework.gov/</a>.</p> <p>Through a continuing FlexWork Implementation Program, the Traffic Solutions division of the Santa Barbara County Association of Governments sponsors flexwork consulting, training and implementation services to a limited number of Santa Barbara County organizations that want to create or expand flexwork programs for the benefit of their organizations, employees and the community. See <a href="http://www.flexworks.com/read_more_about_the_fSBp.html">http://www.flexworks.com/read_more_about_the_fSBp.html</a>. Other local government entities provide similar services.</p>
<p>Provide information on alternative transportation options for consumers, residents, tenants and employees to reduce transportation-related emissions.</p>	<p>Many types of projects may provide opportunities for delivering more tailored transportation information. For example, a homeowner's association could provide information on its website, or an employer might create a Transportation Coordinator position as part of a larger Employee Commute Reduction Program. See, e.g., South Coast Air Quality Management District, Transportation Coordinator training, at <a href="http://www.aqmd.gov/trans/training.html">http://www.aqmd.gov/trans/training.html</a>.</p>
<p>Educate consumers, residents, tenants and the public about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; vehicle performance and efficiency (e.g., keeping tires inflated); and low or zero-emission vehicles.</p>	<p>See, for example U.S. EPA, SmartWay Transport Partnership: Innovative Carrier Strategies (webpage) at <a href="http://www.epa.gov/smartway/transport/what-smartway/carrier-strategies.htm">http://www.epa.gov/smartway/transport/what-smartway/carrier-strategies.htm</a>. This webpage includes recommendations for actions that truck and rail fleets can take to make ground freight more efficient and cleaner.</p> <p>The Air Resources Board's Drive Clean website is a resource for car buyers to find clean and efficient vehicles. The web site is designed to educate Californians that pollution levels range greatly between vehicles. See <a href="http://www.driveclean.ca.gov/">http://www.driveclean.ca.gov/</a>.</p> <p>The Oregon Department of Transportation and other public and private partners launched the Drive Less/Save More campaign. The comprehensive website contains fact sheets and educational materials to help people drive more efficiently. See <a href="http://www.drivelessavemore.com/">http://www.drivelessavemore.com/</a>.</p>
<p>Purchase, or create incentives for purchasing, low or zero-emission vehicles.</p>	<p>See Air Resources Board, Low-Emission Vehicle Program (webpage) at <a href="http://www.arb.ca.gov/msprog/levprog/levprog.htm">http://www.arb.ca.gov/msprog/levprog/levprog.htm</a>.</p> <p>Air Resource Board, Zero Emission Vehicle Program (webpage) at <a href="http://www.arb.ca.gov/msprog/zevprog/zevprog.htm">http://www.arb.ca.gov/msprog/zevprog/zevprog.htm</a>.</p> <p>All new cars sold in California are now required to display an Environmental Performance (EP) Label, which scores a vehicle's global warming and smog emissions from 1 (dirtiest) to 10 (cleanest). To search and compare vehicle EP Labels, visit <a href="http://www.DriveClean.ca.gov">www.DriveClean.ca.gov</a>.</p>

<p>Create a ride sharing program. Promote existing ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.</p>	<p>For example, the 511 Regional Rideshare Program is operated by the Metropolitan Transportation Commission (MTC) and is funded by grants from the Federal Highway Administration, U.S. Department of Transportation, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District and county congestion management agencies. For more information, see <a href="http://rideshare.511.org/">http://rideshare.511.org/</a>.</p> <p>As another example, San Bernardino Associated Governments works directly with large and small employers, as well as providing support to commuters who wish to share rides or use alternative forms of transportation. See <a href="http://www.sanbag.ca.gov/commuter/rideshare.html">http://www.sanbag.ca.gov/commuter/rideshare.html</a>.</p> <p>Valleyrides.com is a ridesharing resource available to anyone commuting to and from Fresno and Tulare Counties and surrounding communities. See <a href="http://www.valleyrides.com/">http://www.valleyrides.com/</a>. There are many other similar websites throughout the state.</p>
<p>Create or accommodate car sharing programs, e.g., provide parking spaces for car share vehicles at convenient locations accessible by public transportation.</p>	<p>There are many existing car sharing companies in California. These include City CarShare (San Francisco Bay Area), see <a href="http://www.citycarshare.org/">http://www.citycarshare.org/</a>; and Zipcar, see <a href="http://www.zipcar.com/">http://www.zipcar.com/</a>. Car sharing programs are being successfully used on many California campuses.</p>
<p>Provide a vanpool for employees.</p>	<p>Many local Transportation Management Agencies can assist in forming vanpools. See, for example, Sacramento Transportation Management Association, Check out Vanpooling (webpage) at <a href="http://www.sacramento-tma.org/vanpool.html">http://www.sacramento-tma.org/vanpool.html</a>.</p>
<p>Create local "light vehicle" networks, such as neighborhood electric vehicle systems.</p>	<p>See California Energy Commission, Consumer Energy Center, Urban Options - Neighborhood Electric Vehicles (NEVs) (webpage) at <a href="http://www.consumerenergycenter.org/transportation/urban_options/nev.html">http://www.consumerenergycenter.org/transportation/urban_options/nev.html</a>.</p> <p>The City of Lincoln has an innovative NEV program. See <a href="http://www.lincolnev.com/index.html">http://www.lincolnev.com/index.html</a>.</p>
<p>Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles.</p>	<p>Under existing law, diesel-fueled motor vehicles with a gross vehicle weight rating greater than 10,000 pounds are prohibited from idling for more than 5 minutes at any location. The minimum penalty for an idling violation is now \$300 per violation. See <a href="http://www.arb.ca.gov/enf/complaints/idling_cv.htm">http://www.arb.ca.gov/enf/complaints/idling_cv.htm</a>.</p>
<p>Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.</p>	<p>For a list of existing alternative fuel stations in California, visit <a href="http://www.cleancarmaps.com/">http://www.cleancarmaps.com/</a>.</p> <p>See, e.g., Baker, <i>Charging-station network built along 101</i>, S.F. Chron. (9/23/09), available at <a href="http://articles.sfgate.com/2009-09-23/news/17207424_1_recharging-solar-array-tesla-motors">http://articles.sfgate.com/2009-09-23/news/17207424_1_recharging-solar-array-tesla-motors</a>.</p>



**Agriculture and Forestry (additional strategies noted above)**

<p>Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.</p>	<p>Air Resources Board (ARB), Economic Sectors Portal, Agriculture (webpage) at <a href="http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm">http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm</a>. ARB's webpage includes information on emissions from manure management, nitrogen fertilizer, agricultural offroad equipment, and agricultural engines.</p> <p>"A full 90% of an agricultural business' electricity bill is likely associated with water use. In addition, the 8 million acres in California devoted to crops consume 80% of the total water pumped in the state." See Flex Your Power, Agricultural Sector (webpage) at <a href="http://www.fypower.org/agri/">http://www.fypower.org/agri/</a>.</p> <p>Flex Your Power, Best Practice Guide / Food and Beverage Growers and Processors, available at <a href="http://www.fypower.org/bpg/index.html?b=food_and_bev">http://www.fypower.org/bpg/index.html?b=food_and_bev</a>.</p> <p>Antle et al., Pew Center on Global Climate Change, Agriculture's Role in Greenhouse Gas Mitigation (2006), available at <a href="http://www.pewclimate.org/docUploads/Agriculture's%20Role%20in%20GHG%20Mitigation.pdf">http://www.pewclimate.org/docUploads/Agriculture's%20Role%20in%20GHG%20Mitigation.pdf</a>.</p>
<p>Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.</p>	<p>"There are three general means by which agricultural and forestry practices can reduce greenhouse gases: (1) avoiding emissions by maintaining existing carbon storage in trees and soils; (2) increasing carbon storage by, e.g., tree planting, conversion from conventional to conservation tillage practices on agricultural lands; (3) substituting bio-based fuels and products for fossil fuels, such as coal and oil, and energy-intensive products that generate greater quantities of CO2 when used." U.S. EPA, Carbon Sequestration in Agriculture and Forestry, Frequently Asked Questions (webpage) at <a href="http://www.epa.gov/sequestration/faq.html">http://www.epa.gov/sequestration/faq.html</a>.</p> <p>Air Resources Board, Economic Sectors Portal, Forestry (webpage) at <a href="http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm">http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm</a>.</p>
<p>Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance.</p>	<p>Tree preservation and planting is not just for rural areas of the state; suburban and urban forests can also serve as carbon sinks. See Cal Fire, Urban and Community Forestry (webpage) at <a href="http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php">http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php</a>.</p>

**Off-Site Mitigation**

If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase verifiable carbon "credits" from another entity that will undertake mitigation.

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AGO, Project Level Mitigation Measures  
 [Rev. 1/6/2010]  
 Available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)

# EXHIBIT F

The topic of off-site mitigation can be complicated. A full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related co-benefits of the mitigation may be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified. (The California Registry has developed a number of protocols for calculating, reporting and verifying greenhouse gas emissions. Currently, industry-specific protocols are available for the cement sector, power/utility sector, forest sector and local government operations. For more information, visit the California Registry's website at <http://www.climateregistry.org/>.)
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the off-site mitigation.

Offsite mitigation measures that could be funded through mitigation fees include, but are not limited to, the following:

- Energy efficiency audits of existing buildings.
- Energy efficiency upgrades to existing buildings not otherwise required by law, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization (perhaps targeted to specific communities, such as low-income or senior residents).
- Programs to encourage the purchase and use of energy efficient vehicles, appliances, equipment and lighting.
- Programs that create incentives to replace or retire polluting vehicles and engines.
- Programs to expand the use of renewable energy and energy storage.
- Preservation and/or enhancement of existing natural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Improvement and expansion of public transit and low- and zero-carbon transportation alternatives.

### **On-site Emission Reduction Mitigation Measures**

The San Joaquin Valley Air Pollution Control District (District) has prepared the following list of on-site mitigation measures to help developers identify ways to reduce air impacts associated with development projects occurring within the San Joaquin Valley Air Basin. Please note that this is not an exhaustive list, and developers are encouraged to suggest new mitigation measures for addition to the list.

#### **All Mitigation Measures**

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1. Project is located within 1/2 mile of existing or planned Class I or II bike lanes on arterial/collector streets, or where a suitable parallel route exists.
2. Project is located within 1/4-1/2 mile of a transit stop.
3. Project is located within one mile of a park and ride lot operated by a transportation agency.
4. Other trip reduction services on site or within 1/4 mile of site.
5. Projects that minimize the need for trips in high density residential, mixed, or retail/commercial use areas that are located within a 1/2 mile of project centers.
6. Increase residential density.
7. Designate a portion of residential units as deed-restricted below-market-rate (BMR) housing; Affordable Housing.
8. Provide Class I and Class II bicycle parking/storage facilities on-site. Bicycle parking facilities should be near destination points and easy to find. At least one bicycle parking space for every 20 vehicle parking spaces.
9. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
10. Provide Class I bicycle parking at apartment complexes or condos without garages.
11. Install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists.
12. Provide building access and paths which are physically separated from street parking lot traffic and that eliminate physical barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles
13. Provide continuous sidewalks separated from the roadway by landscaping and on-street parking.
14. Provide on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks.
15. Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel

**All Mitigation Measures**

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16. Provide traffic reduction modifications to project roads, such as: narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds and to encourage pedestrian and bicycle travel.
17. Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances
18. Provide pedestrian access between bus service and major transportation points and to destination points within the project.
19. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees, residents, or visitors
20. Display Bike Route Maps, Bus Schedules, and any other transportation information such as carpooling, car sharing
21. Project design uses models by the Local Government Commission (LGC) in the “Smart Growth Guidebook,” such as: street block patterns that form an interconnected grid, short block faces, numerous alleys and narrow streets.
22. Develop and implement parking pricing strategies, such as charging parking lot fees to low occupancy (single occupant vehicles) vehicles.
23. Provide preferential parking spaces near the entrance of buildings for those who carpool/vanpool/rideshare and provide signage.
24. Install efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units beyond Title 24 requirements (see Title 24, Part 6, Energy Efficiency Standards for Residential and Nonresidential Buildings:<http://www.energy.ca.gov/title24/standard>)
25. Improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors.
26. Solar Design
27. Use devices that minimize the combustion of fossil fuels.
28. Install high efficiency Energy Star heating or ground source heat pumps
29. Install energy efficient interior lighting.
30. Install built-in energy efficient appliances.
31. Install electrical outlets on the exterior walls of both the front and back of residences or all commercial buildings to promote the use of electric landscape maintenance equipment.
32. Install electric vehicle recharging station with both conductive and inductive charging capabilities in residential garages / parking lots.

**All Mitigation Measures**

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33. Install a gas outlet for use with outdoor cooking appliances, and in any proposed fireplaces, including outdoor recreational fireplaces or pits.
34. Install HEPA (High Efficiency Particle Arrestance) Filters
35. Install "whole-house" or "fresh-air" ventilation system
36. Reduce Wood Burning Fireplaces and/or Woodstoves above that required by District Rule 4901.
37. Provide guaranteed ride home
38. Provide carpool support system
39. Provide car-sharing services support system
40. Employ or appoint an Employee Transportation Coordinator to work with the TMA and the District
41. Implement a rideshare program
42. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
43. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
44. Provide transit pass subsidy (100%) and/or commute alternative allowance
45. Provide an employer subsidized shuttle service to connect to existing transit sites.
46. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
47. Provide electric shuttle or minibus service to transit stops
48. Provide free transfers between all shuttles and transit.
49. Operation of a shuttle bus to shopping, health care, public services sites, etc. to reduce automobile use.
50. Implement alternative work schedules such as compressed workweek schedules where weekly work hours are compressed into fewer than five days. Examples of these options are : 9/80, 4/40, 3/36
51. Project provides and/or requires use of electric maintenance equipment; including, but not limited to electric lawn mowers, electric leaf blowers, etc.
52. Prohibit gas powered landscape maintenance equipment within developments.
53. Replace diesel fleet with alternative fuel engine technology and infrastructure

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**All Mitigation Measures**

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54. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.
55. Adopt a Vehicle Idling Policy requiring all vehicles under company control to adhere to a 5 minute idling policy.
56. Add-on control devices, e.g., particulate traps, catalytic oxidizers on construction equipment
57. Repower/Retrofit heavy-duty diesel fleet with cleaner diesel engine technology and/or diesel particulate filter after-treatment technology
58. Replace auxiliary power units with cleaner engine technology, alternative fuels, or require electric connection while at loading dock
59. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e. school buses, buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles)

## 2.5.5 Lozeau Drury – June 5, 2014

**Note:** The law firm of Lozeau Drury submitted comments on both the Draft and the 1<sup>st</sup> RDEIR on behalf of their client: Laborers International Union of North America, Local Union No. 783 and its members living in San Bernardino County. Subsequent to submittal of its comment letters, the applicant and the union met over the period of several months, reaching agreement on project construction and environmental issues. Lozeau Drury was provided with a copy of the 2<sup>nd</sup> RDEIR for review on behalf of their client during that EIR's public review period. In light of the agreement reached between the applicant and the Laborers International Union of North America Local Union No. 783, Lozeau Drury did not provide any comments on the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-1

As permitted by CEQA Guidelines Section 15088.5 (f)(1), because the entirety of the Draft EIR and the 1<sup>st</sup> RDEIR were recirculated, the City of Fontana initially chose not to provide written responses to comments received during either of the two earlier circulation periods. Pursuant to the provisions of CEQA Guidelines Section 15088.5(f)(1), the 1<sup>st</sup> RDEIR stated that although the comments received during the original Draft EIR public review period would be part of the administrative record for the WVLCSP project, the City would not be preparing written responses to those comments in the Final EIR. In addition, the 2<sup>nd</sup> RDEIR stated that although the comments received during the 1<sup>st</sup> RDEIR public review period would be part of the administrative record for the WVLCSP project, the City would not be preparing written responses to those comments in the Final EIR. As for all comments received on the 2<sup>nd</sup> RDEIR (February 2018), the 1<sup>st</sup> RDEIR (December 2014), and the Draft EIR (April 2014), the Final EIR documents how the City has responded to all pertinent comments on significant environmental issues and how the 2<sup>nd</sup> RDEIR was drafted in a manner to address comments raised by prior comment letters.

### Response to Comment 5-2

This comment identifies the union's membership and the reason the union believes it has standing to comment on the Draft EIR. This comment raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-3

This comment addresses the commenter's opinions regarding various CEQA requirements and raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-4

See Response to Comment WVWD-3 and EEJG-46 for a discussion of off-site road, utility, and infrastructure activities. Proposed onsite and off-site improvements are identified in Section 3.4.4 of the 2<sup>nd</sup> RDEIR. The impacts of facilities improvements are addressed as part of the overall impacts of proposed development and not identified separately from other site development. Thus, each of the analyses sections in 2<sup>nd</sup> RDEIR Section 4.2 include impacts resulting from site preparation and grading; roadway, water, sewer, drainage, and other facilities improvements; and proposed warehouse buildings. Impacts of required infrastructure are thus incorporated in the analyses of the 2<sup>nd</sup> RDEIR, which does not treat required infrastructure as a separate project.



### **Response to Comment 5-5**

This comment addresses the commenter's opinions regarding various CEQA requirements and raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-6**

Comment 5-6 addresses a now outdated air quality analysis that was updated and revised subsequent to preparation of this comment. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current air quality analysis. Analysis for the proposed project.

### **Response to Comment 5-7**

The 2<sup>nd</sup> RDEIR includes a full HRA that fully analyzes the TAC impacts on nearby residential communities related to diesel engine exhaust. While the HRA is focused on the long-term operational emissions of TAC, the health risks from construction emissions are disclosed in the air quality analysis of localized impacts or LST. That LST analysis includes PM<sub>10</sub> and PM<sub>2.5</sub> emissions, a combination of diesel construction exhaust and fugitive dust. The 2<sup>nd</sup> RDEIR concludes that health risk levels from construction to all nearby communities would be less than significant.

### **Response to Comment 5-8**

No refrigerated warehouse space is currently proposed and was not, therefore, assumed in the analyses undertaken for the 2<sup>nd</sup> RDEIR. All references to refrigerated warehouse use in the 2<sup>nd</sup> RDEIR will be stricken from the Final EIR. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

### **Response to Comment 5-9**

See Responses to Comments 5-7 and 5-8. The 2<sup>nd</sup> RDEIR includes an alternative addressing an off-site location as requested in this alternative despite the fact that the applicant does not control any land within the City of Fontana or surrounding communities other than the project site itself.

### **Response to Comment 5-10**

Comment 5-10 addresses a now outdated GHG that was updated and revised subsequent to preparation of this comment. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current air quality analysis for the proposed project.

### **Response to Comment 5-11**

Comment 5-11 incorrectly asserts that the EIR should have used a residential/commercial GHG emissions threshold to analyze the impacts of an industrial warehouse project. The City of Fontana has never used SCAQMD's residential/ commercial GHG emissions threshold in this manner, nor is the City aware of any other lead agency that has used SCAQMD's residential/commercial GHG emissions threshold to analyze the impacts of an industrial warehouse project.

### Response to Comment 5-12

Comment 5-12 addresses a now outdated GHG analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-13

Comment 5-13 addresses a now outdated GHG analysis and related mitigation measures prepared for the Draft EIR. The mitigation measures addressed in this comment were updated for the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-14

The mitigation measure cited in this comment was updated for the 2<sup>nd</sup> RDEIR as follows:

**Mitigation Measure AQ-2: Utilize Tier 4 Construction Equipment.** All non-road construction equipment greater than 50 horsepower shall meet EPA Tier 4 emission standards with the following exception. Equipment with an engine compliant with only Tier 3 emissions standards will be allowed on a case-by-case basis only when the applicant shows a good faith effort to procure Tier 4 equipment, and documents that no Tier 4 equipment is available for a particular equipment type within the County of San Bernardino within the scheduled construction period. Each case shall be documented with signed written or emailed correspondence by the appropriate construction contractor, along with documented correspondence from at least two construction equipment rental firms representing a good faith effort to locate engines that meet Tier 4 requirements, as applicable. Documentation will be submitted to City staff for review before Tier 3 equipment is used on the project.

### Response to Comment 5-15

The mitigation measure cited in this comment has been replaced with a series of mitigation measures and Specific Plan requirements requiring specific measures to reduce emissions.

### Response to Comment 5-16

The EIR includes all feasible mitigation measures. The mitigation measures suggested in this comment letter are generic measures set forth for projects in the San Joaquin Valley by the San Joaquin Valley Air Pollution Control District that would have no effect on the main source of emissions—trucks moving goods to and from the proposed warehouses.

### Response to Comment 5-17

This comment addresses the commenter's opinions regarding various CEQA requirements and raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-18

As noted in Response to Comment 5-17 to the 1<sup>st</sup> RDEIR, the previous site characterization prepared for the site concluded that contamination levels were “orders of magnitude below the EPA’s DDT preliminary remediation goals for residential soils.” In addition, the 2<sup>nd</sup> RDEIR sets forth Specific

Plan Requirement SP-HM-1 and Regulatory Requirements RR-HM 1, 2, and 3 to address any potential soil contamination hazards and set enforceable performance standards.

During the 2013 site reconnaissance, evidence was found on site indicating the release of waste oil as well as dumped construction, automotive, and household waste debris, along with evidence of a possible underground storage tank system and monitoring wells. Figure 4, Site Survey, within Appendix C shows the location of the significant observations found during the site survey. Thus, an adequate baseline has, in fact, been established.

### **Response to Comment 5-19**

See Response to Comment 5-18.

### **Response to Comment 5-20**

Comment 5-20 mischaracterizes the project and 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs in its assertion that the project is “attempting to avoid any cleanup of the site by refusing to determine if the site is or is not contaminated.” The 2<sup>nd</sup> RDEIR sets forth Specific Plan Requirement SP-HM-1 and Regulatory Requirements RR-HM 1, 2, and 3 to address any potential soil contamination hazards and set enforceable performance standards. See Response to Comment 5-17.

### **Response to Comment 5-21**

See Response to Comment 5-18.

### **Response to Comment 5-22**

This comment addresses the commenter’s opinions regarding various CEQA requirements and sets forth a general opinion regarding the Draft EIR that is detailed in subsequent comments. It raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-23**

Comment 5-23 mischaracterizes the cumulative impact analysis of the Draft EIR. While a list of cumulative projects is provided, not all cumulative impact analyses are based on a project approach; some cumulative impact analyses, such as air quality, are based on adopted regional plans and projections, as permitted by CEQA. The discussion of each cumulative impact clearly identifies the methodology for cumulative analysis. The Union Pacific railyard and Colton Crossing represent existing conditions, not cumulative projects.

### **Response to Comment 5-24**

Comment 5-24 mischaracterizes the cumulative impact analysis of the Draft EIR. The Cumulative impacts section of the Draft EIR, 1<sup>st</sup> RDEIR, and 2<sup>nd</sup> RDEIR each provide substantial evidence for the conclusions set forth in those documents. Comment 5-24 provides no evidence other than the length of discussion in the Draft EIR that any analysis of the significance of cumulative impacts is deficient in any way. Conclusions regarding the contribution of the project to each cumulatively significant impact are the corresponding analysis of the project contained in the EIR. Thus, the conclusion of cited in this comment of the project’s contribution to the cumulative air quality impacts for

nonattainment pollutants (ozone, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>) is based on the project's air quality technical report and the air quality section of the Draft EIR.

Comment 5-24 further mischaracterizes the cumulative impact analysis of the Draft EIR in its conclusory statement regarding cumulative hydrology impacts by stating only the EIR's conclusion while not mentioning the analysis leading to that conclusion. As stated on Page 6-14 of the Draft EIR, only one project, Kessler Park, is close enough to the project site to potentially result in a cumulative impact. The Draft EIR does, in fact, analyze this potential on Page 6-14. In addition, the Draft EIR notes that the proposed project "would not increase the volume of stormwater runoff and would add biotreatment facilities (landscaping and stormwater detention basins) that would aid in groundwater recharge and improve water quality." These discussions in the Draft EIR provide ample evidence for its conclusion.

### **Response to Comment 5-25**

Comment 5-25 addresses a now outdated air quality analysis and HRA prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The 2<sup>nd</sup> RDEIR contains an updated HRA, which was updated again for the Final EIR using the most recent guidance from OEHHA. Both the 2<sup>nd</sup> RDEIR (which includes a specific analysis of cumulative health risks starting on page 4.2.2-17) and the supplemental analysis prepared for the Final EIR confirm that health risk impacts will be less than significant.

### **Response to Comment 5-26**

The comment refers to a now outdated discussion of cumulative biological resources impacts. As stated in the 2<sup>nd</sup> RDEIR:

"Cumulative projects within or partially within Riverside County, including those in the cities of Jurupa Valley and Riverside, would also be subject to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Implementation of the MSHCP would reduce cumulative impacts of development within Riverside County to a less-than-significant level. Within San Bernardino County, impacts would be mitigated on a case-by-case basis.

The majority of the cumulative projects identified in Table 6-1 that are within San Bernardino County are in urban and urbanizing areas or are physically separated from the open space areas adjacent to the project site, and would not contribute to cumulative biological impacts in combination with the proposed project."

### **Response to Comment 5-27**

This comment sets forth a conclusion regarding the Draft EIR. The 2<sup>nd</sup> RDEIR does, in fact, contain cumulative analyses based on substantial evidence.

### **Response to Comment 5-28**

This comment addresses the commenter's opinions regarding various CEQA requirements and raises no substantive issues regarding the information, analyses, and conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-29**

This comment addresses the commenter's opinions regarding the alternatives analysis contained in the Draft EIR. The example set forth in this comment of a natural gas alternative to a coal-fired

power plant and the need for quantitative analysis of air quality and water use impacts is not necessarily relevant to the proposed project. The operative requirement set forth by the court is that the analysis of alternatives provide the reader with a meaningful understanding of alternatives and whether/how they would reduce the significant impacts of the proposed project. The comment fails to address how the alternatives analysis set forth in the Draft EIR (let alone in the 2<sup>nd</sup> RDEIR) would not provide the reader with a meaningful understanding of alternatives to the proposed project that could reduce its significant effects.

### **Response to Comment 5-30**

This comment mischaracterizes the discussion of the Draft EIR. Because there is currently an approved development for the project site (Valley Trails Specific Plan) and the No Project No Build alternative assumes no economic use of the privately-owned property, it was rejected.

### **Response to Comment 5-31**

The Valley Trails Specific Plan is identified in the EIR as the “No Project, in fact a “true” alternative to the proposed project since it represents the logical outcome of not approving the proposed project.

### **Response to Comment 5-32**

The term “business park” is a common urban planning term that is distinguished from “industrial” or “warehousing.” The prototype for the business park use analyzed in Alternative 3 are the business park uses surrounding the Ontario International Airport. This prototype was analyzed in the 2<sup>nd</sup> RDEIR, including quantified traffic generation and employment analysis based on SCAG’s definition of research and development/flex space (the closest land use category to business park) that was used in regional employment projection estimates.

### **Response to Comment 5-33**

See Response to Comment 5-32.

### **Response to Comment 5-34**

Because multi-tenant business parks are far less truck intensive than logistics warehouses, the Draft EIR, 1<sup>st</sup> RDEIR, and 2<sup>nd</sup> RDEIR each documented the reasoning that lead to the conclusion that a multi-tenant business park would have reduced impacts in relation to several issues as compared to a logistics warehousing complex.

### **Response to Comment 5-35**

This comment references the alternatives and conclusion of the Draft EIR and does not address the conclusions of the alternatives discussion in the 2<sup>nd</sup> RDEIR, which includes additional alternatives. The 2<sup>nd</sup> RDEIR concludes that the environmentally superior alternative (other than the No Project/No Build Alternative) would be the Reduced Intensity Logistics Center alternative (Alternative 5), which was incorporated into the EIR subsequent to the Draft EIR. The 2<sup>nd</sup> RDEIR concluded that the Reduced Intensity Logistics Center alternative would have fewer impacts on the environment than the proposed project in relation to: aesthetics, air quality/GHG, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. Although air quality and GHG impacts would be reduced during construction and operation,

the 2<sup>nd</sup> RDEIR concluded that impacts would continue to be significant and unavoidable. In addition, although overall traffic generation would be reduced, traffic impacts would remain significant and unavoidable since the timing of improvements funded by development impact fee programs in San Bernardino and Riverside counties and improvements funded by payment of impact fees to jurisdictions other than the City of Fontana cannot be guaranteed.

### **Response to Comment 5-36**

See Response to Comment 5-35.

### **Response to Comment 5-37**

This comment refers to the conclusions of the Draft EIR and does not reflect the analysis or conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-38**

This comment refers to the conclusions of the Draft EIR and does not reflect the analysis or conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-39**

This comment refers to the conclusions of the Draft EIR and does not reflect the analysis or conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-40**

This comment refers to the conclusions of the Draft EIR and does not reflect the analysis or conclusions of the 2<sup>nd</sup> RDEIR, which includes analysis of the extent to which each alternative achieves project objectives.

### **Response to Comment 5-41**

This comment refers to the conclusions of the Draft EIR and does not reflect the analysis or conclusions of the 2<sup>nd</sup> RDEIR, which includes analysis of additional alternatives and concludes that an alternative not included in the Draft EIR is the environmentally superior alternative. The 2<sup>nd</sup> RDEIR analyzes the air quality and GHG impacts of each alternative, and all of the conclusions of the alternatives discussion set forth in the 2<sup>nd</sup> RDEIR are based on the substantial evidence presented in that document.

### **Response to Comment 5-42**

This comment refers to the conclusions of the Draft EIR and does not reflect the analysis or conclusions of the 2<sup>nd</sup> RDEIR, which includes both a reduced size warehouse logistics project and an alternative site alternative. The comment also mischaracterizes the discussion of the Draft EIR, 1<sup>st</sup> RDEIR, and 2<sup>nd</sup> RDEIR. While the EIR may note that certain alternatives meet project objectives to varying degrees based on analysis of the *extent to which* each alternative achieves project objectives, the EIR does not reject all of the alternatives because they *do not meet* project objectives.

### **Response to Comment 5-43**

Although the applicant does not control any land other than the project site in the City of Fontana or surrounding communities, the 2<sup>nd</sup> RDEIR does, in fact, contain analysis of an alternative site alternative.

### **Response to Comment 5-44**

This comment refers to the Draft EIR rather than the 2<sup>nd</sup> RDEIR, which was prepared following execution of an agreement with the commenter's client on project construction and environmental issues. The 2<sup>nd</sup> RDEIR does, in fact contain all feasible mitigation measures. As discussed in Responses to Comment BC-2 through BC-5, all feasible mitigation measures have been considered in the 2<sup>nd</sup> RDEIR and no further mitigation is required.

### **Response to Comment 5-45**

The 2<sup>nd</sup> RDEIR sets forth an extensive list of Project Design Features, which include Specific Plan Requirements, Regulatory Requirements, and Standard Requirements, and Mitigation Measures designed to avoid or minimize the significant impacts of the proposed project but does not present evidence that any of the measures set forth in the comment would be feasible or would substantively reduce project impacts. See Responses to Comments BC-2 through BC-5 for discussion that all feasible mitigation measures have been incorporated into the 2<sup>nd</sup> RDEIR. It should be noted that the majority of emissions associated with the project are a result of heavy-duty diesel trucks accessing the site. None of the mitigation measures suggested in this comment would result in an appreciable reduction of such emissions.

### **Response to Comment 5-46**

See Response to Comment 5-45.

### **Response to Comment 5-47**

See Response to Comment EEJG-31.

### **Response to Comment 5-48**

This comment discusses findings of the Draft EIR and raises no issues regarding the adequacy of the analyses or conclusions of the 2<sup>nd</sup> RDEIR. See Response to Comment 5-49.

### **Response to Comment 5-49**

This comment sets forth generic mitigation measures suggested by the San Joaquin County Air Pollution Control District and does not include any evidence that these measures are relevant to the proposed project or that they would reduce mobile emissions of the project's truck traffic. As discussed in Responses to Comment BC-2 through BC-5, all feasible mitigation measures have been considered in the 2<sup>nd</sup> RDEIR and no further mitigation is required.

**Response to Comment 5-50**

The 2<sup>nd</sup> RDEIR incorporates updated air quality and GHG analyses and related mitigation measures. As noted above, the 2<sup>nd</sup> RDEIR was prepared subsequent to the applicant and the union meeting over the period of several months, reaching agreement on project construction and environmental issues.

**Response to Comment 5-51**

As noted above, the 2<sup>nd</sup> RDEIR was prepared subsequent to the applicant and the union meeting over the period of several months and reaching agreement on project construction and environmental issues. The commenter was provided with a copy of the 2<sup>nd</sup> RDEIR for review on behalf of their client during that EIR's public review period. In light of the agreement reached between the applicant and the Laborers International Union of North America Local Union No. 783, Lozeau Drury did not provide any comments on the 2<sup>nd</sup> RDEIR.

**Response to Comment 5-52**

See Response to Comment 5-51.

**Response to Comment 5-53**

The comment letter is part of the public record for the project as requested.



Letter #6

# City of Jurupa Valley

Frank Johnston, Mayor. Michael Goodland, Mayor Pro Tem. Brad Hancock, Council Member. Verne Lauritzen, Council Member. Laura Roughton, Council Member.

June 4, 2014

Orlando Hernandez, Senior Planner  
City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

RE: Comments on the Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan

Dear Mr. Hernandez:

The City of Jurupa Valley appreciates the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the West Valley Logistics Center Specific Plan ("Project") located in the City of Fontana. We believe the DEIR does not adequately address the impacts of development of the Project, including most notably, impacts on the City of Jurupa Valley, which is located immediately adjacent to the Project site.

6-1

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate a Draft EIR when significant new information is added to the Draft EIR after public notice for public review of the Draft EIR, but prior to certification. We believe the comments included in the attached chart constitute and/or will result in the addition of "significant new information" and that the Draft EIR should be recirculated for additional comments. The City of Jurupa Valley also wishes to be kept on the list of interested parties to receive copies of all notices (including notices of determination) regarding the Project.

6-2

If you have any questions concerning this response, please contact me at (951) 332-6464 or by email at [tmerrell@jurupavalley.org](mailto:tmerrell@jurupavalley.org). You may also contact the City's CEQA Consultant Ernest Perea at (951) 214-2739 or by email at [ernestperea@ymail.com](mailto:ernestperea@ymail.com).

6-3

Sincerely,

  
Thomas G. Merrell, AICP  
Planning Director

**RECEIVED**

**JUN 05 2014**

Attachment; Comment Chart

**PLANNING DEPT.**

8304 Limonite Avenue, Suite M, Jurupa Valley, CA 92509-5183, (951) 332-6464  
[www.jurupavalley.org](http://www.jurupavalley.org)

**City of Jurupa Valley Comments on the Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan.  
June 4, 2014**

Comment No.	Section	Page	Comment
1.	General Comment  (Standard Conditions)		In a number of sections, the EIR concludes that an impact is less than significant with the incorporation of the "Standard Conditions" described in Section 3.6 of the EIR. Pursuant to CEQA, such impacts should be considered a significant impact, and these "Standard Conditions" must be imposed as mitigation measures in order for the Standard Conditions to be used to reduce the impact to a less than significant level. The EIR cannot conclude that there is no significant impact simply because "standard conditions" reduce the impact to a less than significant level. For examples, see Impact AES-3, Impact BIO-2, Impact BIO-3, Impact CUL-3, Impact CUL-4, Impact GEO-2, Impact GEO-3, Impact HAZ-2, Impact HAZ-4, Impact HAZ-8, Impact HYD-1, Impact HYD-3, Impact HYD-4, Impact HYD-5, Impact HYD-6, Impact HYD-7, Impact HYD-8, and Impact PUB-1.
2.	General Comment  (Traffic)		The traffic study intersection analyses were conducted using the 2000 Highway Capacity Manual (HCM) methodology for determining operating conditions, and in turn, for determining the acceptable or deficient operation of those intersections. However, the HCM methodology analyzes each location as a standalone location and does not take into consideration the interaction of the spillover from adjacent intersections, especially when those intersections are closely-spaced. As a result, the traffic study includes numerous instances where one intersection is operating at an acceptable level of service, but the adjacent intersection has a failing condition. The traffic study needs to include a microsimulation analysis of the Valley Way and Rubidoux Boulevard corridors to determine the true operating conditions of these facilities. Without such analysis, the traffic study does not adequately describe the existing traffic conditions, and does not adequately analyze the Project's

6-4

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Comment No.	Section	Page	Comment	
			traffic impacts.	6-5 cont.
3.	General Comment (Traffic)		For the highway analyses, the base count data is noted as having the truck count data adjusted by 1.5 passenger-car-equivalents (PCE) for each truck. Yet, when the Project volumes were added to the roadways, they were adjusted using different factors. It is unclear how these differences are reconciled in the analysis and whether the inconsistent application of the PCE factors resulted in additional inaccuracies in the analyses.	6-6
4.	General Comment (Traffic)		The traffic study recommends mitigation along both Valley Way and Rubidoux Boulevard to address Project impacts, both Project-specific and cumulative. However, the mitigation proposed would require the complete reconstruction of both interchanges and the SR-60 mainline to be implemented. These improvements are not currently included in any funding program, even as future unfunded projects. And, in some cases the improvements conflict with the General Plan designations within the City of Jurupa Valley. When mitigation measures are proposed, it is incumbent upon the lead agency to develop feasible measures and identify the constraints to implementing those measures in a timely manner. The traffic study does not adequately analyze the feasibility of mitigation measures, but simply states that if these infeasible measures are implemented, then the Project impacts will be mitigated.	6-7
5.	General Comment (Traffic)		The traffic study fails to identify and analyze the indirect traffic impacts of the Project. The analysis indicates that the development of the Project will lead to failing conditions on certain corridors. It is highly likely that without mitigation measures, drivers will search for alternative routes to access and depart the Project site, which will result in additional impacts along other streets in the City of Jurupa Valley. These indirect traffic impacts must be analyzed.  In addition, the failure to provide adequate mitigation – including funding for the construction of measures – will result in the Project usurping all of the available capacity on key Jurupa Valley transportation corridors without any compensation to the City for confiscating that capacity and effectively limiting the ability of the	6-8  6-9

Comment No.	Section	Page	Comment	
			City of Jurupa Valley to approve future development projects in the area due to the lack of adequate street capacity. The mitigation measures need to address the impacts to traffic on the streets in Jurupa Valley, and may not shift the burden of improving local streets onto future development projects.	6-9 cont.
6.	General Comment (Traffic)		The traffic study includes no fair share analysis for identifying the proposed Project's contribution to traffic impacts. The EIR must analyze options for funding mechanisms as mitigation measures to address the Project's contributions to traffic in the area, and the lead agency must impose such fair share payments to local and regional agencies as feasible mitigation measures.	6-10
7.	General Comment (Traffic)		The EIR identifies multiple significant impacts that are directly attributable to the proposed Project but claims that the proposed Project should not be responsible for paying for the mitigation of any of those impacts if the improvements occur outside the City of Fontana's boundaries. The EIR uses incorrect assumptions to support the intent of the proposed Project to avoid paying not only costs for Project-specific impacts, but any fair share amounts towards cumulative impacts.  As a result, the EIR traffic study, its recommendations, conclusions, and the EIR analysis and conclusions that are based on the traffic study, are considered by the City of Jurupa Valley Engineering Department to be deficient and inadequate under CEQA.	6-11
8.	General Comment (Maps)		All maps in the EIR should include <i>all</i> city and county boundary lines so the public and decision makers can see the relationship of the project site and potential impacts to jurisdictions other than the City of Fontana.	6-12
9.	Aesthetics	4.2.1-4	In order to provide an accurate representation of the impacts to aesthetics, the analysis must include the Rio Vista Specific Plan Area among	6-13

Comment No.	Section	Page	Comment
			the list of representative viewpoints.
10.	Air Quality	4.2.2-5/6	To accurately describe air quality impacts, the list of sensitive receptors must include planned residential and elementary school sites within the Rio Vista Specific Plan area. The failure to include this information precludes informed decision-making and informed participation by the public.
11.	Air Quality	4.2.2-11	The EIR states that for toxic substances that could be used on site, compliance with City, SCAQMD, state, and federal handling regulations would keep emissions below a level of significance. The EIR needs to analyze the potential impacts, conclude that the impact will be significant, and then impose mitigation to reduce the impacts to a level of insignificance. Otherwise, the EIR has not adequately identified significant impacts and imposed necessary mitigation. As stated above, this same comment can be applied to all of the impacts to which "Standard Conditions" are applied to lower an impact to a less than significant level.
12.	Air Quality	4.2.2-12	<p>The Health Risk Assessment relies on the "truck route specified within the Traffic Impact Analysis." This analysis does not adequately capture the potential air quality impacts that will occur if trucks travel on Armstrong Road or Sierra Road. As currently drafted, the analysis of air quality impacts is inadequate because it does not take into account the use of Armstrong Road or Sierra Road by trucks. This impact analysis needs to be revised in order to comply with CEQA.</p> <p>Similarly, the Health Risk Assessment assumes that trucks operate 24 hours per day and 7 days per week. This assumption spreads out the potential air quality impacts in a manner that dilutes the potential acute health risks. The EIR must explain the basis for this assumption and must use an alternate assumption if this does not present a realistic scenario of the potential air quality impacts and health risks. An EIR must identify and analyze adverse air quality impacts – meaning that it must correlate the additional tons of emissions generated by the Project with</p>

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Comment No.	Section	Page	Comment	
			adverse human health impacts expected to result from those emissions so that the public and decision-makers have information about the potential magnitude of the impact on human health.	6-17 cont.
13.	Air Quality	4.2.2-19	The EIR concludes that there is not a significant impact to air quality because the Project does not conflict with or obstruct implementation of the applicable air quality plan. This conclusion appears to be based on the fact that the Project is expected to generate 8,365 daily trips, which is less than the 8,765 daily trips that were anticipated to be generated by the existing plan, the Valley Trails Specific Plan. This does not account for the fact that the trips associated with the Valley Trails Specific Plan likely would be passenger vehicles, not multi-axle trucks. It is <u>not</u> sufficient to base this conclusion on the mere number of trips to be generated by the project in comparison to the existing plan. If the number of trips for the Project accounts for the factor to convert axle trips to passenger car vehicle trips (PCE), this section must explain the use of the PCE clearly and explain the basis for the chosen PCE factor. As described below, we do not think the chosen PCE factors are adequate or appropriate.	6-18
14.	Air Quality	4.2.2-21	The "Standard Conditions" must be imposed as enforceable mitigation measures.  Mitigation Measure AQ-1 must incorporate more specific measures to reduce dust. The measures must be enforceable and detailed with respect to timelines of revegetation, paving/watering/stabilizing roads, etc. In order to be valid, mitigation measures must be detailed, specific, and enforceable. The mitigation measure must identify the means by which the City will make the measures enforceable.	6-19  6-20
15.	Air Quality	4.2.2-24	Mitigation Measure AQ-6 is not sufficiently detailed or enforceable. The mitigation measure must describe how the 5 minute idling limit for trucks will be enforced. Also, is this 5 minutes for each truck's visit to the site? Is this 5 minutes per hour? This mitigation measure needs to be more	6-21

Comment No.	Section	Page	Comment	
			specific and must include an enforcement mechanism in order to be adequate under CEQA.	6-21 cont.
16.	Air Quality	4.2.2-34	Impact AQ-5 suggests that there will be objectionable odors during construction. The analysis concludes that the impact is less than significant because the odors will only occur in the short-term. This analysis and conclusion are inadequate under CEQA. The analysis must describe what the objectionable odors are, and explain what mitigation would be available to reduce the odors during construction. Merely saying that people will only be subjected to objectionable odors for a short period of time is not sufficient to describe the impacts regarding odors.	6-22
17.	Biology	4.2.3-31	The top of the page states: "If the project design does not incorporate a wildlife corridor, impacts would be significant." This does not align with the premise of CEQA. If maintaining an open space corridor would reduce the impacts to less than significant, and doing so is feasible, then it must be done under CEQA. The wildlife corridor must be included in the project as a feasible mitigation measure that would reduce impacts to less than significant.	6-23
18.	GHG Emissions	4.2.6-21	Table 4.2.6-7 appears to calculate the total regional construction emissions with project based on the "mitigated construction" figures. The table also must include the expected figures <i>without</i> mitigation to fully disclose the actual greenhouse GHG emission impacts of the project.	6-24
19.	GHG Emissions	4.2.6-25	Mitigation measures related to GHG emissions must include additional feasible mitigation measures, such as requiring the purchase of carbon credits and requiring off-site mitigation.	6-25
			Mitigation Measure GHG-1 could increase the percentage of construction materials that must be locally produced or manufactured, or recycled/green materials. In addition, the measure requiring them to limit unnecessary idling must set a standard and create an enforcement mechanism to ensure that idling is in fact limited.	6-26

Comment No.	Section	Page	Comment
20.	GHG Emissions	4.2.6-26	<p>GHG-1: This mitigation measure refers to the incorporation of bicycle lanes and bicycle-friendly intersections. Are bike lanes actually part of this industrial development and/or expected to be used?</p> <p>These mitigation measures seem to be stock mitigation measures that do not necessarily apply to the Project to reduce the Project's emissions. The City must adopt all feasible mitigation measures to reduce significant impacts to a less than significant level.</p> <p>Mitigation Measure GHG-2 must require a greater reduction in GHG emissions from business as usual conditions. Since the 15% reduction does not suffice to mitigate significant impacts, the percentage should be increased to require a greater reduction in GHG emissions from business as usual conditions – as great as is feasible.</p> <p>Residual Impacts: The EIR conclusively states that it is not feasible to reduce operational emissions by the nearly 75% necessary to reduce the GHG emissions to a level of insignificance. Surely <i>some</i> additional reduction is feasible. Unless the EIR demonstrates that any additional reductions are in fact <i>infeasible</i>, it needs to include additional measures to reduce GHG emissions further.</p>
21.	Hydrology	4.2.8-16	<p>In order to be adequate under CEQA, the mitigation measures must include specific performance standards and more detailed information regarding the BMPs that will be implemented to reach the relevant performance standards. Otherwise, this mitigation measure is deferring mitigation.</p>
22.	Hydrology		<p>The Hydrology section must analyze the effect on water quality off-site due to the potential for increased truck traffic and additional pollutants leaking onto off-site streets.</p>
23.	Land Use and Planning	4.2.9-31	<p>Without further mitigation, the proposed Project would conflict with Policy 10 of the City of Fontana General Plan because the Project does not mitigate its anticipated emissions to the extent</p>

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Comment No.	Section	Page	Comment	
			reasonably feasible. As described in our comments regarding air quality impacts, the City has not proposed adequate mitigation to address air quality impacts. Additional mitigation measures, such as the payment of carbon offsets, requiring off-site mitigation, and placing greater restrictions on truck traffic and idling, are feasible and therefore, must be imposed on the project to mitigate air quality impacts. Unless the City imposes additional mitigation measures to reduce emissions to the extent reasonably feasible, the Project conflicts with Policy 10 and Goal 4 of the City of Fontana's General Plan Air Quality Element.	6-31 cont.
24.	Noise	4.2.10-6	The noise impacts of loading/unloading, parking, and off-site traffic on residential areas, including Rio Vista Specific Plan, needs to be analyzed further.	6-32
25.	Noise	4.2.10-15	Again, as with many of the impacts, the conclusion regarding construction noise needs to indicate whether the impact would actually be significant before imposition of the standard conditions. If so, this impact needs to be categorized as significant but mitigable.	6-33
26.	Noise	4.2.10-17/18	Noise impacts on sensitive receptors must include the operational impacts to the residential and school uses in the Rio Vista Specific Plan area.	6-34
27.	Noise	4.2.10-19	With respect to off-site traffic noise, the EIR does not consider potential Project-related traffic on Armstrong Road heading south. The EIR does not provide an adequate basis for failing to consider this traffic and the subsequent noise impacts. Such impacts must be analyzed under CEQA.	6-35
28.	Noise	4.2.10-22	Noise Mitigation Measure NOI-2 should be consistent with the Air Quality Mitigation Measure regarding idling. Both of these mitigation measures need to be specific about the length of time trucks are allowed to idle and include a means of enforcing the limit on idling time (e.g., automatic shut-off devices, on-site personnel, random inspections by City staff, etc.). Also, the Mitigation Measure must include a means to	6-36

Comment No.	Section	Page	Comment
			ensure that the limitation on the number of trucks on the east side of Building 1 is enforced.
29.	Noise	4.2.10-24	<p>The EIR states that <i>“Operational impacts of the proposed project would occur from loaded trucks accessing the site on local roadways. Sensitive receptors would be located along the proposed truck routes and could be within 50 feet of the loaded trucks. Vibration levels from loaded trucks would be around 0.076 PPV at a distance of 25 feet. Vibration levels would attenuate to 0.03 PPV at a distance of 50 feet. Vibration levels of this magnitude would be just above the threshold of perception and would not cause damage to structures in the area. Because the predicted vibration levels from project operations would be at or below the threshold of perception, impacts from groundborne vibration or groundborne noise would be less than significant.”</i></p> <p>The EIR should clarify the statement “sensitive receptors would be located along the proposed truck routes.” Is Armstrong Road considered a “truck route”? The EIR must discuss the vibration impacts to sensitive receptors along Armstrong Road since this roadway serves as a connector to the 60 Freeway to the south and is a major entry to the Project site.</p>
30.	Population and Housing	4.2.11-5	The EIR has not adequately analyzed Impact POP-2 because it fails to address whether the City will be able to meet its RHNA without the homes that would be included in the Valley Trails Specific Plan. Removing residential uses from that area by removing the units from the Valley Trails Specific Plan likely would prevent the City of Fontana from meeting its allocated RHNA. The EIR must analyze the effect of the change in use from residential to industrial on the City’s ability to meet its RHNA.
31.	Public Services	4.2.12-7	The EIR must analyze impacts to “other public facilities.” The EIR must analyze impacts to the road network. In this case, the extensive amount of truck trips will surely have a significant impact to the road network, and require frequent maintenance. This impact must be analyzed and

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Comment No.	Section	Page	Comment	
			mitigated, if feasible.	6-39 cont.
32.	Recreation	4.2.13-7	The EIR must analyze impacts to other trails in the area due to the loss of the Jurupa Hills Trail. In addition, the EIR must analyze the increase in usage of other area parks in the surrounding areas due to the loss of parks included in the Valley Trails Specific Plan.	6-40
33.	Transportation and Traffic	4.2.14-1	The passenger car equivalent (PCE) factors are too low. By using a PCE factor of only 1.5 for 2-axle trucks, the EIR understates the real traffic impacts of the Project. In order to adequately analyze traffic impacts, the PCE must include a minimum PCE factor of 2.0 for 2-axle trucks. In addition, the traffic analysis needs to explain why the chosen PCE factors are appropriate for this Project.	6-41
34.	Transportation and Traffic	4.2.14-4	Figure 4.2.14-1 does not appear to show the location of all 41 intersections, despite the statement on this page. The text must be corrected and the figure must include all of the relevant intersections that were studied.	6-42
35.	Transportation and Traffic	4.2.14-13	TUMF Funding – The EIR states that "...TUMF funding provides funding for the buildout of the regional system's needed improvements...", and as a result concludes that no funds need to be collected for development in adjacent jurisdictions. This is incorrect. TUMF provides partial funding of TUMF programmed projects along certain routes in Riverside County. It does not provide full funding, nor does it provide funding for non-programmed improvements and improvements along TUMF routes that are considered to be built out. Armstrong is one such route and is not eligible for TUMF reimbursement along with interchange improvements at SR-60 and Valley Way. The conclusion that no funding of fair share or Project-related mitigation is needed across jurisdictional boundaries is therefore grossly incorrect. The EIR needs to impose all feasible mitigation measures, including the payment of fair share fees to address the traffic impacts in other jurisdictions.	6-43

Comment No.	Section	Page	Comment
36.	Transportation and Traffic	4.2.14-16	Project Design Considerations – The report proposes that a Transportation Management Agency (TMA) be developed as part of the Project. However, the EIR does not state if this TMA would be in place at Project opening or developed over time. The TMA as described would be self-reporting and self-regulating, which means it is highly unlikely that such an agency would be effective in policing its own violations with a “tenant-based” system. There is also no proposed punishment or penalties for violating rules, such as using non-designated streets in other jurisdictions, because the TMA would have no power to control such actions and would be relying on self-reported data to determine non-compliance.
37.	Transportation and Traffic	4.2.14-19	Construction Mitigation Measures – It is unclear if the routes to be used by construction vehicles will be designated outside of the City of Fontana boundaries. The EIR must analyze the impacts from proposed construction routes, and impose enforceable mitigation measures to ensure that only designated construction routes are used.
38.	Transportation and Traffic	4.2.14-20	Existing Plus Project Intersection Mitigation – The intersection of Sierra Road and Armstrong Avenue is listed as having Project-specific impacts, but no mitigation provided by the Project is proposed and funding for any mitigation is listed as being paid through TUMF fees. However, this proposed mitigation measure – relying on TUMF fees – is based on inaccurate assumptions and is inadequate and infeasible. First, the Armstrong Avenue corridor is considered to be fully built and is therefore not eligible for any additional TUMF funding. Second, the Project would not be eligible to request TUMF funding because it is not within the County of Riverside. Third, the City of Jurupa Valley does not have funds to mitigate Project-specific impacts for developments. The EIR must include a mitigation measure requiring that the Project proponents pay their fair share of improvements in the City of Jurupa Valley that will be required due to the Project’s traffic impacts.

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Comment No.	Section	Page	Comment
39.	Transportation and Traffic	4.2.14-24	<p>The next-to-last paragraph states that no mitigation funding would be made for impacts outside of the City of Fontana and therefore all impacts outside the City would be considered to be significant and unavoidable. In Table 4.2.14-12, the EIR tries to validate this avoidance of paying for mitigation by stating that "the City of Fontana cannot enforce another jurisdiction to install improvements prior to project operations". While the City of Fontana may not have direct control of the timing of improvements in adjacent jurisdictions, the City of Fontana can enforce a project to make or fund required and agreed upon mitigation in another jurisdiction prior to opening. The EIR and the Project are using the lack of direct control of these improvements as a means of avoiding paying any share of required mitigation in adjacent jurisdictions and the conclusion that the City of Fontana cannot enforce this upon the Project is incorrect.</p>
40.	Transportation and Traffic	4.2.14-31	<p>Mitigation Measure TRA-1c: Payment of DIF for Transportation – The paragraph states that the Project will make "fair share payments to the City of Fontana to fund the improvements needed to mitigate all impacts of the project within the City that would result in any intersection, freeway mainline segment, and/or ramp junction..." However, earlier the report states that the Project would not make payments to fund improvements to facilities of other jurisdictions, including Caltrans. But, freeway mainline and ramp junctions are listed as, and in fact are, facilities that are under the control of Caltrans. Therefore, the above statement conflicts with the earlier comments and if the intent is to fund improvements to Caltrans facilities that pass through the City of Fontana then the project and the City intend to selectively avoid certain facility impacts, while funding others.</p>
41.	Transportation and Traffic	4.2.14-34	<p>Last Paragraph – The EIR states that TUMF funding would provide needed improvements within Riverside County, including the Armstrong</p>

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Comment No.	Section	Page	Comment
			Road/Sierra Avenue intersection in the City of Jurupa Valley. As previously noted, this corridor is not eligible for TUMF funding.
42.	Transportation and Traffic	4.2.14-35	Second Paragraph – The EIR states "Further, it would be infeasible for the WVLCSP to install needed improvements on property not owned by the applicant in addition to paying fees into the TUMF program, particularly since the project's location outside of Riverside County would preclude reimbursement from the TUMF Program to the project". First, the Project does not pay into the TUMF program since it is outside of Riverside County. Second, it is absolutely feasible for the Project to be required to fund/construct agreed-upon mitigation measures on property that the applicant does not own. These off-site improvements are routinely required of development projects both within in the City of Fontana and in adjacent jurisdictions.
43.		4.2.14-47	Residual Impacts – This section states that the Riverside County TUMF Program would provide needed improvements within Riverside County. However, most of the impacts identified and left unmitigated by the Project are not eligible for TUMF funding and therefore have no funding mechanism attached to them. The section goes on to state that the funds generated by the WVLCSP would not be sufficient to install all of the improvements necessary to allow the circulation system in the Project vicinity to operate at an acceptable LOS. The report attempts to use this methodology to avoid any contribution to addressing impacts caused by the Project outside of the City of Fontana. This is contrary to the argument of page 30 of the report stating that a project's impacts can be mitigated through the payment of fair-share fees towards identified mitigation. The result being that the impacts are attempting to be left unmitigated solely to avoid the payment of paying fees and not due to the inability to construct appropriate mitigation measures or make payments towards identified

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Comment No.	Section	Page	Comment	
			improvements.	6-51 cont.
44.		4.2.14-49	Table 4.2.14-18 – The table lists funding sources that are either not available to fund the identified mitigation or are no longer available sources since the mitigation listed is not on any programmed project list.	6-52
45.	Utilities and Service Systems	4.2.15-13	The EIR fails to adequately analyze the Project’s potential impacts on energy. Without adequately analyzing the potential impacts to energy consumption (both with respect to transportation and construction/operation), the EIR cannot adequately analyze whether measures have been applied to adequately minimize the wasteful, inefficient, or unnecessary consumption of energy, as required by Public Resources Code § 21100(b)(3). The EIR must analyze and quantify the expected energy impacts, both with respect to transportation and construction/operation of the Project. The generalized discussion in Section 4.4 does not suffice to fully analyze the impacts on energy resources.	6-53
46.	Significant and Unavoidable Effects	4.3-1	Given that Mitigation Measure BIO-7 is a feasible mitigation measure, it must be imposed on the project. The EIR cannot state that “if the project design does not incorporate a wildlife corridor, impacts would be significant.” If the mitigation measure is feasible, it must be imposed on the Project.	6-54
47.	Significant and Unavoidable Effects	4.3-2	Significant and Unavoidable Traffic Impacts – There are no locations analyzed in the unincorporated areas of Riverside County.	6-55
48.	Significant Irreversible Changes	4.4-1	The EIR must analyze and evaluate the impacts to energy usage under Public Resources Code Section 21100(b)(3) and Appendix F of the CEQA Guidelines. Although Mitigation Measure GHG-2 includes <i>some</i> energy efficiency measures, the EIR does not analyze and calculate the <i>impacts</i> of	6-56

Comment No.	Section	Page	Comment
			<p>the project to energy usage (including transportation usage and construction/operational usage). Without fully analyzing the anticipated usage of energy, the EIR cannot adequately include a detailed statement of mitigation measures proposed to minimize "wasteful, inefficient, and unnecessary consumption of energy." Pub. Res. Code § 21100(b)(3); see also <i>California Clean Energy Committee v. City of Woodland</i> (2014) 225 Cal. App. 4<sup>th</sup> 173. Under Appendix F of the CEQA Guidelines, the EIR must include an analysis of "the potential energy impacts" of the proposed project.</p>
49.	Alternatives	5-2	<p>The City of Fontana may not eliminate the alternative involving the extension of Alder Avenue south of Jurupa (Section 5.2.2) merely because the City Council for the City of Fontana has directed them to prevent truck trips from traveling along Sierra Avenue. If the alternative would meet most of the project objectives and avoid significant environmental effects, it must be considered.</p>
50.	Alternatives	Chapter 5	<p>Chapter 5 – Alternatives. The comments in this section are of a general nature due to the limited analysis conducted. The rejection of an alternative with access to Sierra Avenue was made by the City of Fontana due to the issue of Project traffic affecting adjacent residential neighborhoods in Fontana. However, the City does not seem to have that same concern with residential neighborhoods in the City of Jurupa Valley by inflicting significant impacts that are left unmitigated and routing 43% of the project's truck traffic past the residential uses along the Rubidoux Boulevard corridor and locating a large trucking-based operation adjacent to the residential neighborhoods on Armstrong Road.</p> <p>In Table 5-1, the EIR attempts to deflect attention from which alternative may be environmentally superior by simply listing impacts as greater or reduced without specifying why an impact would be greater. For example, greenhouse gas impacts of a residential development may be on the surface greater, but measures such as enhanced transit service and other travel demand reduction</p>

6-56  
cont.

6-57

6-58

6-59



Comment No.	Section	Page	Comment	
			measures can be implemented to mitigate the impacts. These same options are not available with a trucking operation and will result in additional diesel pollution in an area that is already in the worst 1% of the state for diesel particulate pollution. While the recreational demands of a residential project may be greater than those of a trucking operation, the adopted specific plan included recreational facilities to mitigate those impacts. From a transportation perspective, the adopted residential specific plan has fewer impacts to the surrounding transportation system than the proposed plan. The applicant and the City of Fontana are attempting to impose a multitude of unmitigated impacts on the City of Jurupa Valley.	6-59 cont.
51.	Alternatives	5-9	The analysis regarding Recreation concludes that Alternative 2 would have greater impacts than the proposed Project. This misstates the actual impacts. The Valley Trails Specific Plan would add a maximum of 1,154 dwelling units. That plan also adds roughly 42 acres of new parks and community recreation space (including the elementary school space), as well as over 69 acres of dedicated open space. Even though the Valley Trails Specific Plan may add additional population, it also adds park space. The analysis of this Alternative does not take into account the importance of this additional park space or connect the additional park space to the additional population. Instead, it simply concludes that the impacts of this Alternative are slightly greater than the impacts of the proposed project. This does not make sense given that the Alternative proposes adding park space, whereas the proposed Project would not add any park space.	6-60
52.	Alternatives	5-9	The comparison of traffic impacts of this Alternative 2 and the proposed Project are based entirely on a comparison of the number of trips generated by each project. That comparison is directly based on the PCE factor chosen for the traffic impacts. As stated above, the EIR needs to use a more appropriate PCE factor and explain why the chosen PCE factors are appropriate.	6-61
53.	Cumulative	6-2	In order to adequately identify the Project's potential impacts, the Cumulative Projects List	6-62

Comment No.	Section	Page	Comment
	Impacts		<p>must include expected development in the Rio Vista Specific Plan area in the City of Jurupa Valley.<sup>1</sup> The Rio Vista Specific Plan is located between Armstrong Road and Rubidoux Boulevard. In addition, the Cumulative Projects List must include expected development in the Emerald Meadows Ranch Specific Plan, located just south of 30<sup>th</sup> Street on the east side of Rubidoux Boulevard.<sup>2</sup></p> <p>Build-out of these Specific Plan areas is reasonably foreseeable and these projects must be included on the Cumulative Projects List. Their development is probable and they are within the cumulative study area, just like the West Valley Specific Plan in the City of Colton, which is included on Page 6-4, and the Agua Mansa Industrial Corridor Specific Plan, included on Page 6-6. Without including the Rio Vista Specific Plan and the Emerald Meadows Ranch Specific Plan, the cumulative impacts analysis is inadequate under CEQA.</p> <p>The significant volumes of traffic generated by both plans that have not been accounted for in the analyses would make the results of the cumulative analysis inaccurate and inadequate under CEQA.</p>
54.	Urban Decay		<p>The EIR must consider whether the development of a significant industrial development will have the effect of creating an area of blight in nearby residential areas, including the Sunnyslope and Rio Vista Specific Plan areas.</p>

6-62  
cont.

6-63

<sup>1</sup> As of May 30, 2014, the Rio Vista Specific Plan was available at the following website:  
[http://planning.rctlma.org/Portals/0/splans/sp\\_document/sp243/sp243\\_summary.pdf](http://planning.rctlma.org/Portals/0/splans/sp_document/sp243/sp243_summary.pdf).

<sup>2</sup> As of June 4, 2014, the Emerald Meadows Ranch Specific Plan was available at the following website:  
[http://planning.rctlma.org/Portals/0/splans/sp\\_document/sp337/sp337\\_planstan.pdf](http://planning.rctlma.org/Portals/0/splans/sp_document/sp337/sp337_planstan.pdf).

## 2.5.6 City of Jurupa Valley

**Note:** The City of Jurupa Valley also provided comments on the current, 2<sup>nd</sup> RDEIR. Please refer to Responses to Comments CJV-1 through CJV-52 for Jurupa Valley's comments on the 2<sup>nd</sup> RDEIR that is being currently being considered by the Lead Agency, along with the Lead Agency's responses to those comments.

### Response to Comment 6-1

This comment provides a general introduction and overall summary of the more detailed comments that follow. Responses to these more detailed comments are provided in Responses to Comments 6-2 through 6-63.

### Response to Comment 6-2

The Draft EIR to which this comment was referred was, in fact, recirculated in December 2014 (1<sup>st</sup> RDEIR) and February 2018 (2<sup>nd</sup> RDEIR). The City of Jurupa Valley received copies of both of those documents at the beginning of their respective public review periods and provided comments on both documents (see Final EIR Section 2.3 for the 2<sup>nd</sup> RDEIR and Section 2.6 for the 1<sup>st</sup> RDEIR).

### Response to Comment 6-3

Comment 6-3 identifies the City of Jurupa Valley's contact person and raises no substantive issues regarding the information, analyses, or conclusions of the 2<sup>nd</sup> RDEIR.

### Response to Comment 6-4

Standard Conditions, as well as Specific Plan Requirements are considered part of the proposed project and treated as such in the 2<sup>nd</sup> RDEIR. The identification of Standard Conditions, as well as Specific Plan Requirements, was revised in the Draft EIR and again in the 2<sup>nd</sup> RDEIR. See Response to Comment EEJG-27.

### Response to Comment 6-5

Comment 6-5 addresses a now outdated traffic analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis.

### Response to Comment 6-6

Comment 6-6 addresses a now outdated traffic analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis.

### Response to Comment 6-7

This comment refers to mitigation measures included in the Draft EIR that were revised for the 1<sup>st</sup> RDEIR and again for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for a current description of mitigation measures.

### **Response to Comment 6-8**

Comment 6-6 addresses a now outdated traffic analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis.

### **Response to Comment 6-9**

Comment 6-6 addresses mitigation measures that were prepared for the Draft EIR and revised in the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current mitigation measures. See also Responses to Comments CJV-1 through CJV-52.

### **Response to Comment 6-10**

The 2<sup>nd</sup> RDEIR commits to contributing fair share payments per Mitigation Measure TRA-1c and to make the improvements set forth in Specific Plan Requirements SP-TR-1 and SP-TR-2, as well as to pay applicable impact fees as set forth in Regulatory Requirement RR-TR-1. Because the County of San Bernardino has been willing to engage in substantive discussions with the applicant and City of Fontana regarding improvements and fair share payments within unincorporated areas, these measures address improvements not only within the City, but also within unincorporated San Bernardino County. Should the City of Jurupa Valley indicate its willingness to engage in substantive discussions with the applicant and City of Fontana to accept fair share payments to mitigate project-related impacts and to oversee construction of such improvements within its jurisdiction, the City of Fontana would require payment of fair share payments to the City of Jurupa Valley for the improvements described in the 2<sup>nd</sup> RDEIR or, if the City of Jurupa intends to undertake an improvement different than the EIR mitigation measure, the project would contribute a fair share to any future funding mechanism that is developed by the City to implement the specific improvements identified in Jurupa Valley's Capital Improvements Program.

### **Response to Comment 6-11**

Comment 6-6 addresses a now outdated traffic analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis.

### **Response to Comment 6-12**

Graphics in the Draft EIR, 1<sup>st</sup> RDEIR, and 2<sup>nd</sup> RDEIR indicate city and county boundaries where such information is relevant to the information being presented on the graphic.

### **Response to Comment 6-13**

The Rio Vista Specific Plan is included in the cumulative projects list in the 2<sup>nd</sup> RDEIR (cumulative project JV-19).

### **Response to Comment 6-14**

Comment 6-14 addresses a now outdated air quality analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current air quality analysis.

### **Response to Comment 6-15**

Comment 6-15 addresses a now outdated air quality analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current air quality analysis.

### **Response to Comment 6-16**

Comment 6-16 addresses a now outdated HRA prepared for the Draft EIR. The HRA addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current HRA.

### **Response to Comment 6-17**

Comment 6-17 addresses a now outdated HRA prepared for the Draft EIR. The HRA addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current HRA.

### **Response to Comment 6-18**

Comment 6-18 addresses a now outdated air quality analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current air quality analysis.

### **Response to Comment 6-19**

“Standard Conditions” are conditions of approval that the City of Fontana is placing on the West Valley Logistics Center. Such Standard Conditions are part of the proposed project and not mitigation measures.

### **Response to Comment 6-20**

The mitigation measure referenced in this comment was updated to incorporate all feasible mitigation. See Regulatory Requirements RR-AQ-1 through RR-AQ-5, Mitigation Measure AQ-1, which imposes the dust suppression measures set forth in the SCAQMD’s Air Quality Handbook.

### **Response to Comment 6-21**

The requirement referenced in this comment represents state law. Title 13 of the California Code of Regulations, Section 2485 limits idle times to not more than 5 minutes. All buildings would post signs requiring that trucks shall not be left idling for more than 5 minutes pursuant to that regulation. Nighttime (after 10:00 p.m.) truck idling would not be permitted.

### **Response to Comment 6-22**

Comment 6-22 addresses a now outdated air quality analysis of objectionable odors prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.2 of the 2<sup>nd</sup> RDEIR for the current analysis.

### **Response to Comment 6-23**

Comment 6-23 addresses a now outdated biological resources analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.3 of the 2<sup>nd</sup> RDEIR for the current analysis. An avian movement feature is now included as part of the proposed project.

### **Response to Comment 6-24**

Comment 6-24 addresses a now outdated GHG emissions analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.7 of the 2<sup>nd</sup> RDEIR for the current analysis.

### **Response to Comment 6-25**

See Response to Comment EEJG-31.

### **Response to Comment 6-26**

Mitigation Measure GHG-1 as was originally set forth in the Draft has been revised and mitigation measures were updated and reorganized in the 2<sup>nd</sup> RDEIR (see Specific Plan Requirements SP-GHG-1 through SP-GHG-6, Standard Requirements SR-GHG-1 through SR-GHG-3, Mitigation Measures GHG-1 and AQ-1 through AQ-14).

### **Response to Comment 6-27**

See Response to Comment 6-26.

### **Response to Comment 6-28**

Mitigation Measure GHG-2 as was originally set forth in the Draft has been revised and mitigation measures were updated and reorganized in the 2<sup>nd</sup> RDEIR (see Specific Plan Requirements SP-GHG-1 through SP-GHG-6, Standard Requirements SR-GHG-1 through SR-GHG-3, Mitigation Measures GHG-1 and AQ-1 through AQ-14).

### **Response to Comment 6-29**

As described in Chapter 3, *Project Description*, Section 3.4.4 of the 2<sup>nd</sup> RDEIR, 100-year flood flows would be detained in on-site stormwater basins, such that 100-year peak flows are reduced to 90 percent of the 25-year peak flow rate for existing conditions. Thus, the net effect of project development would be a decrease in stormwater runoff. Stormwater runoff produced by the project would be collected by a storm drain system consisting of a series of stormwater basins and pipes that drain to the existing stormwater basin.

### **Response to Comment 6-30**

Impacts on water quality are addressed as part of Impact HYD-1. The proposed project, including implementation of Specific Plan Requirements SP-HW-1 and SP-HW-2, along with Regulatory Requirements RR-HW-1 through RR-HW-4 was determined in the 2<sup>nd</sup> RDEIR to result in less-than-significant water quality impacts.

### **Response to Comment 6-31**

See Responses to Comments BC-2 through BC-5 for discussion that all feasible mitigation measures have been incorporated into the 2<sup>nd</sup> RDEIR.

### **Response to Comment 6-32**

Comment 6-32 provides no indication as to why the commenter believes the noise analysis needed to be revised and addresses a now outdated noise analysis presented in the Draft EIR. The noise analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.11 of the 2<sup>nd</sup> RDEIR for the current analysis.

### **Response to Comment 6-33**

Comment 6-33 addresses the organization of the Draft EIR and raises no substantive issues regarding the conclusions of the 2<sup>nd</sup> RDEIR, which clearly sets forth significance conclusions prior to and following implementation of mitigation measures.

### **Response to Comment 6-34**

Comment 6-34 addresses a now outdated noise analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.11 of the 2<sup>nd</sup> RDEIR for the current noise analysis.

### **Response to Comment 6-35**

Comment 6-35 addresses a now outdated noise analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.11 of the 2<sup>nd</sup> RDEIR for the current noise analysis, which does, in fact, address roadway noise on Armstrong Road within the City of Jurupa Valley.

### **Response to Comment 6-36**

Comment 6-36 references a mitigation measure that was replaced by Specific Plan Requirement SP-N-3 that is, in fact, consistent with the provisions of Title 13 of the California Code of Regulations, Section 2485 limiting idle times to not more than 5 minutes.

### **Response to Comment 6-37**

Comment 6-37 addresses a now outdated vibration analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.11 of the 2<sup>nd</sup> RDEIR for the current vibration analysis. Armstrong Road south of the project site is not proposed as a truck route.

### **Response to Comment 6-38**

As part of Impact POP-1, the 2<sup>nd</sup> RDEIR specifically analyzes the City of Fontana's inventory of land zoned for the development of housing and concludes that approval of the proposed project would not affect Fontana's ability to provide its fair share of housing for all economic segments of the community as expressed in the Regional Housing Needs Assessment.

### **Response to Comment 6-39**

Comment 6-39 incorrectly asserts that CEQA requires analysis of roadway maintenance. Because such a requirement does not, in fact, exist, no revisions to the 2<sup>nd</sup> RDEIR are necessary.

### **Response to Comment 6-40**

Comment 6-40 incorrectly asserts that the existing Jurupa Hills trail “will be lost” as the result of the proposed project. As stated in Mitigation Measure REC-1, an off-road trail will be “realigned so as to be within the utility corridor easement in the southeastern portion of the project site, between Parcels 5 and 6.” No existing trail will be lost as the result of the proposed project.

### **Response to Comment 6-41**

Comment 6-41 addresses a now outdated traffic analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis. No evidence is presented in this comment to substantiate why a difference passenger car equivalent conversion rate for 2-axle trucks should have been used. Because truck trips were converted to Passenger Car Equivalents using the conversion rates recommended by San Bernardino Associated Governments (now SBCTA) of 1.5 for 2-axle trucks, 2.0 for 3-axle trucks and 3.0 for 4+ axle trucks, no revisions to the project traffic study is warranted.

### **Response to Comment 6-42**

Comment 6-42 addresses a now outdated traffic analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis. A map of all intersections analyzed in the 2<sup>nd</sup> RDEIR is presented in Figure 4.2.15-1 of that document.

### **Response to Comment 6-43**

The TUMF program was adopted in Riverside County and does not apply to projects in San Bernardino County. While the TUMF program provides a methodology for projects in Riverside County to pay fair share for improvements covered by the TUMF program, it does not include a mechanism for projects in San Bernardino to pay into that program. Similarly, the San Bernardino County Regional Transportation Development Mitigation Program” commonly referred to as the “Nexus Program” provides for projects within San Bernardino to pay fair share for improvements covered by that program and does not include provisions for projects in the City of Jurupa Valley or other portions of Riverside County to pay traffic impact fees. See Response to Comment CVJ-16.

### **Response to Comment 6-44**

Starting on page 3-12 of the 2<sup>nd</sup> RDEIR is a discussion of how a property owners’ association to which the City of Fontana would be a third party for enforcement purposes will be formed to ensure that project-generated trucks stay on the proposed truck routes. See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project’s truck management plan.



**Response to Comment 6-45**

Mitigation Measure TRA-1a calls for development and implementation of a construction management plan that will, among other things, identify the routes that construction vehicles will use for the delivery of construction materials. It is not anticipated that delivery of construction materials will occur through the City of Jurupa Valley.

**Response to Comment 6-46**

See Response to Comment 6-10.

**Response to Comment 6-47**

Comment 6-47 mischaracterizes proposed mitigation measures. Payment of fees to the City of Fontana required as part of the San Bernardino County Regional Transportation Development Mitigation Program represents the project's fair share payment for improvements on all roadways included in that program, regardless of their location. See Response to Comment 6-10 for discussion of fair share payment for impacts along roadways not subject to the San Bernardino County Regional Transportation Development Mitigation Program.

**Response to Comment 6-48**

See Response to Comment 6-10.

**Response to Comment 6-49**

See Response to Comment 6-10.

**Response to Comment 6-50**

See Response to Comment 6-10.

**Response to Comment 6-51**

See Response to Comment 6-10.

**Response to Comment 6-52**

Comment 6-52 addresses a now outdated table in the traffic analysis prepared for the Draft EIR. The table addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current traffic analysis.

**Response to Comment 6-53**

Comment 6-53 addresses a now outdated energy analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.5 of the 2<sup>nd</sup> RDEIR for the current energy analysis.

### **Response to Comment 6-54**

Comment 6-54 addresses a now outdated biological resources analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.3 of the 2<sup>nd</sup> RDEIR for the current analysis. An avian movement feature is now included as part of the proposed project.

### **Response to Comment 6-55**

Comment 6-55 addresses a now outdated traffic impact analysis prepared for the Draft EIR. The analysis addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Section 4.2.15 of the 2<sup>nd</sup> RDEIR for the current analysis. As shown in Figures 4.2.15-8a and 4.2.15-8b of the 2<sup>nd</sup> RDEIR, while all trucks will utilize roadways within San Bernardino County or City of Jurupa Valley for some portion of their route. Because no project-related truck routes traverse unincorporated Riverside County, no roadways within unincorporated Riverside County were analyzed.

### **Response to Comment 6-56**

Impacts related to energy usage are addressed in Section 4.2.5 of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 6-57**

Comment 6-57 mischaracterizes the reasons for rejecting a roadway alternative that would complete Alder Avenue through the hillside portion of the project site to connect to Jurupa Avenue. The concept of extending Alder Avenue south of Jurupa Avenue through the project site was determined to be infeasible due to the very steep hillside the roadway would need to traverse to make that connection. Extension of Alder Avenue from Jurupa Avenue through the project site to Locust Avenue would require extensive grading through an area proposed for habitat preservation, resulting in a significant impact on biological resources and substantially increasing air quality and construction noise impacts. Cutting a roadway through the existing hillside would also result in damaging the western hillside area as a scenic resource.

### **Response to Comment 6-58**

Comment 6-58 refers to a now outdated truck routing plan that was analyzed in the Draft EIR and is now no longer proposed. As shown in Figures 4.2.15-8a and 4.2.15-8b of the 2<sup>nd</sup> RDEIR, while all trucks will utilize roadways within San Bernardino County or City of Jurupa Valley for some portion of their route, approximately 52 percent of project-generated outbound trucks and 40 percent of inbound trucks will utilize Sierra Avenue in the City of Fontana. As further shown in Figures 4.2.15-8a and 4.2.15-8b of the 2<sup>nd</sup> RDEIR, approximately 25 percent of outbound truck traffic and 37 percent of inbound truck traffic will travel through the City of Jurupa Valley.

### **Response to Comment 6-59**

Comment 6-59 mischaracterizes the discussion set forth in the EIR. In addition to comparing each project alternative to the proposed project, the EIR also identifies the environmentally superior alternative. In the 2<sup>nd</sup> RDEIR, the comparison of alternatives can be found in Table 5-9. The discussion set forth in Section 5.4 of the 2<sup>nd</sup> RDEIR explains why the Reduced Intensity Logistics Center Alternative would be the environmentally superior alternative.

### **Response to Comment 6-60**

See Response to Comment CJV-51.

### **Response to Comment 6-61**

As stated in Response to Comment 6-41, truck trips were converted to Passenger Car Equivalents using the conversion rates recommended by San Bernardino Associated Governments (now SBCTA). Thus, no revisions to the 2<sup>nd</sup> RDEIR are warranted in response to this comment.

### **Response to Comment 6-62**

Comment 6-62 refers to the now outdated traffic and cumulative impacts analyses prepared for the Draft EIR. Both of these analyses have been updated and neither of the analyses referred to in this comment were used for the 2<sup>nd</sup> RDEIR. The Rio Vista Specific Plan is included in the cumulative projects list in the 2<sup>nd</sup> RDEIR (cumulative project JV-19) and also included in its TIA.

### **Response to Comment 6-63**

This comment asserts that the EIR must address “blight in nearby residential areas,” but does not provide any evidence that “blight” would result from the proposed project. It is a commenter’s obligation to provide substantial evidence presented by a qualified expert as to why a project would supposedly cause urban decay (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 690-692 (“*Joshua Tree*”); see also Pub. Res. Code section 21082.2). Here, the commenter has not provided any evidence to suggest that the subject project will allegedly cause blight. Rather, the commenter provides one speculative, conclusory statement. However, “Complaints, fears, and suspicions about a project’s potential environmental impact likewise do not constitute substantial evidence” (*Joshua Tree* at 690). This comment does not sufficiently raise any substantive issue for consideration by the lead agency, nor does it constitute substantial evidence that would require the City of Fontana to analyze “blight.”

Letter #7



State of California - Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Inland Deserts Region  
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EDMUND G. BROWN, Jr., Governor  
 CHARLTON H. BONHAM, Director



June 5, 2014

Mr. Orlando Hernandez  
 City of Fontana  
 8353 Sierra Avenue  
 Fontana, CA 92335

Subject: Draft Environmental Impact Report  
 West Valley Logistics Center Specific Plan  
 State Clearinghouse No. 2012071058

Dear Mr. Hernandez:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the West Valley Logistics Center Specific Plan Project (project) [State Clearinghouse No. 2012071058]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project encompasses an area of approximately 291 acres located east and west of Locust Avenue, east and west of Armstrong Road, and immediately east of the Jurupa Hills and west of Rattlesnake Mountain, in the City of Fontana, County of San Bernardino. The project proposes an industrial business park development on 212.1 acres, a 14.9 acre detention basin, 1.54 acres of existing utility corridor, 7.5 acres of right-of-way dedications, and 55.23 acres of open space. As stated in the Executive Summary of the DEIR (page ES-18), "The project site is currently the only open space connecting the native Riversidean Sage Scrub (RSS) habitats in the Jurupa Hills and Rattlesnake Mountain. Under the current project design, the proposed project would permanently sever potential wildlife movement (including restricting movement of California Gnatcatcher) between the Jurupa Hills and Rattlesnake Mountain."

The Department has concerns regarding the sufficiency and completeness of the DEIR. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). As mentioned, the Department

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Draft Environmental Impact Report  
 West Valley Logistics Center Specific Plan  
 SCH No. 2012071058  
 Page 2 of 5

is a trustee agency with responsibility under CEQA for commenting on projects that could affect fish and wildlife resources (CEQA Guidelines Section 15386). As a trustee agency, the Department reviews and comments on environmental documents and impacts arising from project activities, as those terms are used under CEQA (Fish and Game Code section 1802). In order for the Department to complete its review of the DEIR and provide substantive comments on project-related impacts to public trust fish, wildlife, native plants and habitat resources, the Biological Resources section of the Environmental Impact Analysis needs to be revised (an in-depth discussion follows below).

7-1  
 cont.

The DEIR should state each threshold and include a factually based explanation as to why project impacts will result in no effect or effects that are less than significant, less than significant with mitigation, or significant with feasible mitigation. This explanation should be derived from the project description, which informs project impacts, and environmental setting, which identifies sensitive biological resources that may be impacted. The Department requests that the revised DEIR address the following:

#### Nesting Birds

It is the Lead Agency's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) prohibit the take of all birds and their nests. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

7-2

Mitigation Measure BIO-2 states that for the purposes of the DEIR, the avian nesting season includes "...February 1 through August 31". Please note that some species of raptors (e.g., owls) may commence nesting activities in January. The Department encourages the Lead Agency to complete nesting bird surveys regardless of time of year to ensure compliance with all applicable laws related to nesting birds and birds of prey. Surveys should not be limited to trees and shrubs, as not all bird species nest in vegetation; some species nest directly on the ground.

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 West Valley Logistics Center Specific Plan  
 SCH No. 2012071058  
 Page 3 of 5

Proposed Preserved Lands

Mitigation Measure BIO-4 states that fencing will be installed along the western limits of disturbance to prevent unauthorized access into the preserved areas. The Department requests that the Lead Agency ensure that none of the materials proposed to be used will pose an entanglement risk to wildlife.

7-3

Mitigation Measure BIO-5 states that a "...permanent fence or barrier shall be erected along the western limits of disturbance to protect the 44.8 acres of RSS on the project site," and that "coordination with a qualified biologist shall occur for the fence design to ensure the fence will not restrict movement of mammals." However, Mitigation Measure BIO-6 also states that "The fence shall consist of a 6-foot-tall chain link fence..." The use of "shall" leads the Department to conclude that the fence design has already been selected. If this is the case, the DEIR needs to include a discussion of the barrier effect that this type of fence will pose to wildlife movement.

7-4

Mitigation Measure BIO-6 states that management of the 44.8 acres of RSS "shall be provided by the project applicant to ensure protection of RSS habitat in perpetuity," however, the Department was unable to find a description of a preservation mechanism (e.g., conservation easement) in the DEIR. Please clarify if the 44.8 acres will be protected in-perpetuity through the recordation of a conservation easement.

7-5

The Department is concerned regarding the following statement, included in Mitigation Measure BIO 6: "Initial payments towards the development and implementation of a habitat management program and area management shall be provided by the project applicant to ensure protection of RSS habitat in perpetuity. Such payments shall continue to be the responsibility of the project applicant until the property management company is established and can assume such payment responsibility." To ensure access to funds for the management and protection of the 44.8 acre area in-perpetuity, the Department recommends that the Lead Agency require the funding of an endowment with sufficient capital to cover all of the restoration and management funding needs in-perpetuity. Allowing "payments towards the development and implementation of a habitat management program and area management" will not ensure the in-perpetuity management of the area, particularly if the "property management company" is unable to make these payments. The Department recommends that a Property Analysis Record (PAR), or substantially equivalent analysis, be used to determine the restoration, conservation, and long-term management needs and costs, which then will be used to calculate the amount of capital needed for the endowment.

7-6

The Department requests that the DEIR include an in-depth discussion of the proposed preservation area. The discussion should include information on the following: how the areas will be conserved (e.g., conservation easement); whether long-term management funds will be made available for the areas; whether the areas will include any man-made slopes, flood control structures or roads; if any portion of the area will require

7-7

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 West Valley Logistics Center Specific Plan  
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 Page 4 of 5

flood control operations or maintenance; and where the fuel modification areas for the development will be situated, in relation to the preservation area.

7-7  
 cont.

Fish and Game Code section 1600 *et seq.*

Impact BIO-2 states that the project will permanently impact approximately 0.47 acres of "CDFW unvegetated streambeds" and "CDFW riparian habitat." As mitigation for these impacts the DEIR states that the project applicant would "obtain permits for jurisdictional waters of the state." The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration (LSA) Agreement. The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. The Department recommends that the revised DEIR include mitigation for the permanent loss of areas subject to Fish and Game Code section 1600 *et seq.*

7-8

Wildlife Movement

Page ES-18 states that "The project site is currently the only open space connecting the native RSS habitats in the Jurupa Hills and Rattlesnake Mountain. Under the current project design, the proposed project would permanently sever potential wildlife movement (including restricting movement of California Gnatcatcher) between the Jurupa Hills and Rattlesnake Mountain." To mitigate for the loss of this wildlife movement corridor, the DEIR proposes, through Mitigation Measure BIO-7, to construct a 100 foot wide corridor between the Jurupa Hills and Rattlesnake Mountain (south of 7<sup>th</sup> Street). However, Figure 3-3 of the DEIR does not include a wildlife corridor, and furthermore page ES-18 states that "If the project design does not incorporate a wildlife corridor, impacts [to wildlife movement] would be significant." Based on this information the Department is unsure if the Lead Agency will require the implementation of Mitigation Measure BIO-7.

7-9

The Department does not concur that Mitigation Measure BIO-7 is sufficient to reduce impacts to a level less than significant for project-related impacts to wildlife movement. The Department requests that the Lead Agency provide the analysis used to determine the appropriateness of the "100 foot wide corridor" and the recommended placement of the corridor. Furthermore, the DEIR fails to include a discussion of the potential impacts to the proposed 100-foot wildlife corridor, resulting from proposed improvements to Armstrong Road. Improvements to Armstrong Road will result in both direct (e.g., increased area of exposure, potential for increased road mortality) and indirect effects (e.g., lighting, noise) to the proposed corridor. Based on the lack of details provided in the DEIR related to the wildlife movement corridor, the Department is unable to complete an analysis of the potential impacts of this proposal on public trust fish and wildlife resources. The Department requests further information in the revised DEIR.

7-10

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West Valley Logistics Center Specific Plan  
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Impacts to an adopted Natural Community Conservation Plan (NCCP)

The Department does not concur that the proposed project will have no impact on an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is located adjacent to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area. The Department is concerned that the project may negatively impact the MSHCP through permanently severing potential wildlife movement within the Jurupa Hills Conservation Area.

7-11

Alternatives Analysis

The Department encourages the adoption of a reduced impact alternative that encompasses a smaller project footprint, and that provides for an appropriately sized habitat linkage between the Jurupa Hills and Rattlesnake Mountain.

7-12

The Department appreciates the opportunity to comment on the DEIR for the West Valley Logistics Center Specific Plan Project (SCH No. 2012071058). If you should have any questions pertaining to this letter, please contact Joanna Gibson at [Joanna.Gibson@wildlife.ca.gov](mailto:Joanna.Gibson@wildlife.ca.gov) and 909-987-7449.

Sincerely,



Jeff Brandt  
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento



## 2.5.7 California Department of Fish and Wildlife

### Response to Comment 7-1

This comment describes the CDFW's role as a trustee agency for fish and wildlife, summarizes the project description, and states a general concern related to the Draft EIR. The comment also sets forth the CDFW's opinion regarding how an EIR should be prepared. This comment does not, however, raise any specific substantive issues regarding the 2<sup>nd</sup> RDEIR or its information, analyses, mitigation measures, and conclusions warranting further response.

### Response to Comment 7-2

All pre-construction nesting season surveys will be required to be undertaken during the appropriate time of year.

### Response to Comment 7-3

All fencing used to prevent unauthorized entry into conservation areas will be designed so as to avoid entanglement risks to wildlife.

### Response to Comment 7-4

The fencing descriptions cited in this comment were subsequently removed from EIR mitigation measures. Mitigation Measure BIO-6 of the 2<sup>nd</sup> RDEIR states that the "design and materials used for the fencing shall be consistent with fuel management zone specifications for fencing. The fence shall consist of a three or four rail wooden fence, three or four strand barbless wire with metal t-posts, or other such materials and configuration that will allow for the passage of wildlife while restricting project personnel and the public from accessing the preserved lands."

### Response to Comment 7-5

Conditions of approval on the proposed Specific Plan and parcel map will establish the specific mechanism for preserving the proposed conservation area in perpetuity.

### Response to Comment 7-6

Conditions of approval on the proposed Specific Plan will establish the specific funding mechanism for management of the proposed conservation area.

### Response to Comment 7-7

The Habitat Management Plan is included in Appendix D of the 2<sup>nd</sup> RDEIR.

### Response to Comment 7-8

The 2<sup>nd</sup> RDEIR does not defer analysis of the project's effects on wetland areas. Table 4.2.3-3 of the 2<sup>nd</sup> RDEIR identifies on-site jurisdictional areas (in acres) as:

<b>Jurisdictional Feature</b>	<b>USACE (Section 404)</b>	<b>RWQCB (Porter-Cologne)</b>	<b>CDFW (Fish and Game Code 1600)</b>
Drainage A	0.00	0.09	0.09
Drainage A1	0.00	0.005	0.005
Drainage B	0.00	0.11	0.11
Drainage B1	0.00	0.005	0.005
Wetland 1	0.00	0.05	0.26*
<b>Total</b>	<b>0.00</b>	<b>0.27</b>	<b>0.47</b>

Source: Michael Baker International 2017<sup>7</sup>.

\*0.21 acre is adjacent riparian vegetation composed of mulefat scrub.

The 2<sup>nd</sup> RDEIR concludes that 0.27 acre of waters of the State and 0.47 acre of area that meets the CDFW jurisdictional definition would be affected by the proposed project. Mitigation Measure BIO-7 recognizes the States “no net loss” policy and requires compensation off site through the purchase of credits at a local mitigation bank. The 2<sup>nd</sup> RDEIR requires such compensation to be “documented and included in the CDFW Streambed Alteration Agreement required to be provided to the City prior to initiation of site grading activities.”

### Response to Comment 7-9

The 2<sup>nd</sup> RDEIR states that the project site is positioned between currently undeveloped lands in the Jurupa Hills and Rattlesnake Mountain and that the site is subject to human disturbance including HOV use and illegal dumping. The existing condition of the site does not support sufficient vegetative cover to accommodate migratory movement across the site by avian species and mammal species and there are no established migratory corridors on the project site in its current condition. However, the Specific Plan proposes a project design feature that would create rooftop avian habitat providing grade-separated, vegetated features easily observed and accessed from either the Jurupa Hills or Rattlesnake Mountain as the undeveloped lands there occur upslope from the Specific Plan area. Therefore, potential future avian movement across the site that does not now occur would be facilitated by development of the Specific Plan area, which would improve avian use of the site to gain access to adjacent undeveloped lands compared to existing conditions.

Common wildlife species such as skunks and raccoons may utilize the site to gain access to and from adjacent developed areas where food sources occur. This localized wildlife movement is discussed in the 2<sup>nd</sup> RDEIR, but the physical change proposed at the site, even if it results in interrupting common wildlife species’ movement would not constitute a significant impact under CEQA.

### Response to Comment 7-10

See Response to Comment 7-9.

### Response to Comment 7-11

See Response to Comment 7-9. The 2<sup>nd</sup> RDEIR documents the lack of an existing wildlife movement corridor through the Specific Plan area and refers to similar conclusions set forth in the Western

<sup>7</sup> Michael Baker International 2017. Habitat Assessment for the West Valley Logistics Center. See also Appendix D of the 2<sup>nd</sup> RDEIR.

Riverside MSHCP, as well as the lack of sufficient vegetative cover in the proposed project's development footprint as substantiation for this conclusion.

### **Response to Comment 7-12**

See Response to Comment 7-9. The 2<sup>nd</sup> RDEIR documents the lack of an existing wildlife movement corridor through the Specific Plan area and refers to similar conclusions set forth in the Western Riverside MSHCP, as well as the lack of sufficient vegetative cover in the proposed project's development footprint as substantiation for this conclusion.

Letter #8



EDMUND G. BROWN JR.  
GOVERNOR

June 6, 2014

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

Mr. Orlando Hernandez  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

Subject: West Valley Logistics Center (WVLC)  
SCH#: 2012071058

Dear Mr. Orlando Hernandez:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 5, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

8-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

8-2

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

8-3

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

8-4

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report**  
**State Clearinghouse Data Base**

**SCH#** 2012071058  
**Project Title** West Valley Logistics Center (WVLC)  
**Lead Agency** Fontana, City of

---

**Type** EIR Draft EIR  
**Description** The WVLC Specific Plan proposes approximately 3,473,690 sf of industrial development on approximately 212 acres with 14.9 acres developed as a detention basin, 55.23 acres retained in natural hillside open space, and right-of-way dedications on an 291-acre site bisected by Armstrong Avenue on predominately undeveloped land in the City of Fontana, in the southwest "Valley Region" of San Bernardino County. Seven industrial buildings are proposed with industrial and office space within industrial buildings. The proposed Specific Plan amendment would replace the site's existing Valley Trails Specific Plan and residential land use designation with the WVLC Specific Plan and industrial designations and would remove the residential units, recreation facilities and elementary school from the proposed development.

---

**Lead Agency Contact**

**Name** Mr. Orlando Hernandez  
**Agency** City of Fontana  
**Phone** (909) 350-6602 **Fax**  
**email**  
**Address** 8353 Sierra Avenue  
**City** Fontana **State** CA **Zip** 92335

---

**Project Location**

**County** San Bernardino  
**City** Fontana  
**Region**  
**Lat / Long** 34° 2' 14" N / 117° 24' 42" W  
**Cross Streets** Bisected by Armstrong Avenue and Locust Avenue, south of Jurupa Avenue  
**Parcel No.**  
**Township** 1S **Range** 5W **Section** 31 **Base** SBB&M

---

**Proximity to:**

**Highways** I-10, SR 60  
**Airports**  
**Railways**  
**Waterways**  
**Schools** Zimmerman, Bloomington  
**Land Use** Z: SP, R-PC  
GP: Residential

---

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

---

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Caltrans, District 8; Department of Housing and Community Development; Air Resources Board; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

## **2.5.8 Governor's Office of Planning and Research**

### **Response to Comment 8-1**

Comment 8-1 acknowledges the close of the 45-day public review period for the Draft EIR on June 5, 2014 and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 8-2**

Comment 8-2 refers to CEQA requirements for comment provides by responsible and other public agencies and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 8-3**

Comment 8-3 notes that the comments of State agencies on the Draft EIR have been forwarded to the City of Fontana as Lead Agency for its use in preparing the Final EIR. This comment raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 8-4**

Comment 8-4 acknowledges that the City of Fontana complied with State Clearinghouse review requirements for the Draft EIR and provides a contact number for the State Clearinghouse. This comment raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

## Comment Letter 9



Jennifer Menjivar-Shaw  
Local Public Affairs  
7951 Redwood Avenue  
Fontana, CA 92336

June 12, 2014

Orlando Hernandez, Senior Planner  
City of Fontana  
Community Development Department, Planning Division  
8353 Sierra Avenue  
Fontana, CA 92335  
ohernandez@fontana.org

Re: West Valley Logistics Center Specific Plan

Dear Mr. Hernandez:

Southern California Edison (SCE) appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) for the West Valley Logistics Center Specific Plan (WVLCSP). The WVLCSP would serve as the guiding document to develop an approximately 291-acre site with industrial business park, public facility, and open space land uses. The site would potentially include seven parcels set aside for industrial development. The remaining area would include one parcel consisting of more than 55 acres to be preserved in natural open space, a ninth lot consisting of a 1.54-acre utility easement, and a 14.93-acre lettered lot (Lot A) that would be occupied by an existing detention basin that would be improved as part of this project. The proposed project also includes circulation improvements to a private street (Old Alder Avenue), Locust Avenue, Armstrong Road and Jurupa Avenue.

SCE is the electrical service provider for the City of Fontana and maintains electrical transmission and distribution facilities, and substations within the City. Within the project area and vicinity, SCE has existing transmission and distribution lines within SCE's existing utility corridor (north of Planning Area 1) and along Armstrong Road, Locust Avenue and Jurupa Street.

9-1

SCE is concerned that the proposed WVLCSP and circulation improvements may impact SCE's existing transmission and subtransmission lines and access to these facilities. SCE's right-of-ways and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future electrical facilities. The proposed project should not impose any constraints on SCE's ability to access, maintain and operate our transmission lines. Any proposed use will be reviewed on a case-by-case basis by SCE for compatibility with SCE right-of-way constraints and rights. Approvals or denials will be in writing. Please forward five (5) sets of the proposed development plans depicting SCE's facilities and associated land rights to our Real Properties Department at the address below.

Real Properties Department  
Southern California Edison Company  
2131 Walnut Grove Avenue, G.O.3 – 2<sup>nd</sup> Floor  
Rosemead, CA 91770

9-2

Based on the scope of the project, it may require upgrades to SCE's electrical system and infrastructure. SCE requests that the project developer contact our Local Planning Department at (909) 357-6116 to initiate a service evaluation. SCE is regulated by the California Public Utilities Commission (CPUC) and subject to General Order 131-D<sup>1</sup>, which contains rules relating to the planning and construction (including relocation) of electric generation, transmission/power/distribution line facilities and substations. The Final EIR should include a thorough discussion regarding potential impacts to SCE's facilities (including access to our facilities), as well as the potential need to relocate existing transmission lines or construct new transmission lines to service the proposed project.

If you have any questions regarding this letter, please do not hesitate to contact me at [Jennifer.Shaw@sce.com](mailto:Jennifer.Shaw@sce.com) or (909) 357-6515.

Regards,

  
Jennifer Shaw  
Local Public Affairs Region Manager  
Southern California Edison Company

<sup>1</sup> <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/589.PDF>

## 2.5.9 Southern California Edison (SCE)

### Response to Comment 9-1

The Draft EIR, 1<sup>st</sup> Recirculated Draft EIR, and the 2<sup>nd</sup> Recirculated Draft EIR each acknowledge that SCE is the electrical service provider for the Project site and that SCE maintains electrical facilities in the vicinity of the site, including existing rights-of-way and transmission lines adjacent to the Project site.

While development of Buildings 1 and 2 is proposed south of an existing SCE right-of-way and transmission line west of Locust Avenue and Building 7 is proposed within the SCE right-of-way for the same transmission line east of Locust Avenue, SCE's access to the right-of-way and transmission line from Locust Avenue will be maintained in all cases.

The only use proposed for the SCE right-of-way are improvements associated with widening the existing Locust Avenue crossing of the right-of-way to accommodate four travel lanes. As requested in the comment letter, five sets of improvement plans will be provided to SCE at such time as engineered roadway improvements are prepared and ready for SCE's review. As further requested, the development of the West Valley Logistics Center Specific Plan has committed that it will contact SCE's Local Planning Department to initiate a service evaluation following project approval.

### Response to Comment 9-2

As required by CEQA, Section 4.2.5, *Energy Resources*, includes an evaluation of whether project operations would "Result in the use of large amounts of energy or use energy in a wasteful manner during project operations that would in turn require or result in the construction of new energy utility service or system infrastructure or the expansion of existing infrastructure, the construction of which could cause significant environmental effects." This analysis, which can be found on page 4.2.5-12 of the 2<sup>nd</sup> Recirculated Draft EIR concludes that a combination of Specific Plan Requirements, Regulatory Requirements, and Standard Requirements would be implemented to reduce the amount of project-related energy consumption so that the project would not result in wasteful, inefficient, or unnecessary consumption of energy and that the Project would not result in the need for construction of new regional energy utility services and infrastructure.



## 2.6 Responses to Comments Received on the 1<sup>st</sup> Recirculated Draft EIR

This Section of the Final EIR includes each of the comment letters received by the City of Fontana during the public review period for the 1<sup>st</sup> RDEIR (December 2014-January 2-15). As such the comments in this section were prepared several years before preparation and public review of the 2<sup>nd</sup> RDEIR, and do not, therefore, directly address any of the information, analyses, mitigation measures, or conclusions of that document.

CEQA Guidelines Section 15088.5(f) provides that “[i]n no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.” Accordingly, as for all comments received on the 2<sup>nd</sup> RDEIR (February 2018), the Final EIR documents how the City has responded to all pertinent comments on significant environmental issues raised during public review of the 1<sup>st</sup> RDEIR (December 2014), along with how the 2<sup>nd</sup> RDEIR was drafted in a manner to address comments raised by prior comment letters.

A total of nine comment letters or emails, providing comments on the 1<sup>st</sup> RDEIR were received by the City, with seven letters from federal, state, regional, or local agencies, and two from private individuals. Responses to the comments in each of these letters are provided in this section of the Final EIR. The comments in each comment letter received are numbered and within the comment letters identified below in Table 2-3.

**Table 2-3. Comment Letters Received During Public Review of the 1<sup>st</sup> Recirculated Draft EIR**

Comment Letter	Commenter	Date	Number of Comments
1	San Bernardino County Department of Public Works	January 28, 2015	9
2	San Bernardino County Department of Public Works	July 31, 2012	4
3	South Coast Air Quality Management District	February 12, 2015	17
4	Shawn Smallwood	February 14, 2015	28
5	Lozeau Drury LLP	February 13, 2015	56
6	City of Riverside	February 13, 2015	5
7	California Department of Fish and Wildlife	February 17, 2015	7
8	City of Jurupa Valley	February 16, 2015	20
9	Governor’s Office of Planning and Research	February 3, 2015	2

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



Letter 1  
Department of Public Works

- Environmental & Construction • Flood Control
- Operations • Solid Waste Management
- Surveyor • Transportation

www.SBCounty.gov

Gerry Newcombe  
Director

January 28, 2015

File: 10(ENV)-4.01

Orlando Hernandez, Senior Planner  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA. 92335

**RE: CEQA – NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WEST VALLEY LOGISTICS CENTER IN THE CITY OF FONTANA, SAN BERNARDINO COUNTY**

Mr. Hernandez:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on December 23, 2014**, and pursuant to our review, the following comments are provided:

**Traffic Division (Eloy Ruvalcaba, PWE III, 909-387-1869):**

The San Bernardino County Department of Public Works has reviewed the Recirculated Draft Environmental Impact Report (RDEIR) for the West Valley Logistics Center in the City of Fontana. We previously reviewed the Draft EIR for this project and provided comments on May 22, 2014. The RDEIR acknowledges receipt of those comments but also does not provide responses and requires a re-submittal of comments. Unfortunately, the RDEIR did not use track changes or highlights to show what changes were made and without specific responses to our comments, we have no alternative but to re-submit our comments in their entirety.

1. The mitigation measures related to Traffic as shown on pages ES-65 to ES-71 are misleading because they ignore impacts outside the City of Fontana (City). Furthermore, there is no mention of which scenario from the traffic study was used to determine the list of impacted intersections. A close examination of Figure 4.2.14-2B reveals that all trucks will be routed using the No Sierra Avenue Access scenario, yet the Recirculated DEIR does not explicitly mention this fact. 1-1
- ii) The County objects to the use of a No Sierra Access Ave scenario, since this directs all truck traffic onto County roads and avoids City roads. 1-2
- iii) The County disagrees with the conclusions of the traffic study that significant cumulative impacts are mitigated by existing fee programs. 1-3
2. On page 4.2.14-54 of the Recirculated Draft EIR, it states the applicant or its designee "will prepare a truck route management plan as a part of the TMA for review by the City of Fontana." The County requests that the TMA be submitted for review and approval by the 1-4

**BOARD OF SUPERVISORS**

<b>ROBERT A. LOVINGOOD</b> Vice Chairman, First District	<b>JANICE RUTHERFORD</b> Second District	<b>JAMES RAMOS</b> Chairman, Third District	<b>CURT HAGMAN</b> Fourth District	<b>JOSIE GONZALES</b> Fifth District	<b>GREGORY C. DEVEPEAUX</b> Chief Executive Officer
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O. Hernandez, City of Fontana  
CEQA Comments – Recirculated DEIR for West Valley Logistics Center  
January 28, 2015  
Page 2 of 2

County of San Bernardino, in addition to the City. The County again states that any scenario in which all trucks are routed to County Roads is unacceptable. | 1-4  
cont.

3. Mitigation Measure TRA-1b, TRA-1c and TRA-1d are only targeted to the City. They should be modified to include the other jurisdictions impacted by this project. In particular, TRA-1b should include a requirement for the applicant to construct improvements to mitigate for all intersections that are directly impacted by the project, such as the intersections of Locust Avenue at Santa Ana Avenue and Locust Avenue at Slover Avenue. | 1-5

4. The County disagrees that payment of fees to the City in TRA-1d represents the project's fair share contributions. This ignores impacts to other jurisdictions. The condition must be changed to include all affected jurisdictions. | 1-6

5. There should be an additional mitigation measure to construct mitigations for direct impacts under the opening year plus project scenario as mentioned in the supporting Traffic Study. The condition should apply to all impacted intersections including those outside the City's jurisdiction. | 1-7

6. The County objects to the statement that payment of fees to the City is mitigation for impacts to County intersections as stated in Table 4.2.14-12. | 1-8

**Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):**

1. We have previously responded to the City of Fontana regarding this project by letter dated July 31, 2012. Please see attached. | 1-9

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



**NIDHAM ARAM ALRAYES, MSCE, PE, QSD/P**  
Public Works Engineer III  
Environmental Management

NAA:PE:nh/CEQACOMment\_Fontana\_RecircDEIR\_WValleyLogisticsCtr\_2015-01-28-03

Attachment as noted in Water Resources Division Comment No. 1

## 2.6.1 San Bernardino County Department of Public Works (January 28, 2015)

**Note:** The San Bernardino County Department of Public Works also provided comments on the current, 2<sup>nd</sup> RDEIR. Please refer to Responses to Comments SBC-1 through SBC-36 for the County Department of Public Works' comments on the 2<sup>nd</sup> RDEIR that is being currently being considered by the Lead Agency, along with the Lead Agency's responses to those comments.

### Response to Comment 1-1

As noted in this comment, because the 1<sup>st</sup> RDEIR was revised in total and did not include redlining to identify specific revisions from the original Draft EIR, the County Public Works Department resubmitted its comments on the original Draft EIR in total. As discussed in responses to subsequent comments from the Public Works Department, the 2<sup>nd</sup> RDEIR addresses all of the comments raised in response to the 1<sup>st</sup> RDEIR. Thus, this comment raises no substantive environmental issues regarding the information, analyses, or adequacy of the 2<sup>nd</sup> RDEIR.

### Response to Comment 1-2

The assertion that impacts outside Fontana were not analyzed is incorrect. The traffic impact analyses undertaken for the Draft EIR (April 2014), 1<sup>st</sup> RDEIR (December 2014), and the 2<sup>nd</sup> RDEIR include intersections in San Bernardino County, City of Jurupa Valley, and City of Riverside, as well as intersections in the City of Fontana. Figure 4.2.15-1 of the 2<sup>nd</sup> RDEIR identifies the intersections addressed in the current analysis, including intersections that are outside of the City of Fontana. The project truck routes analyzed in the 2<sup>nd</sup> RDEIR are illustrated in Figure 3-4 of that document.

### Response to Comment 1-3

As shown in Figures 4.2.15-8a and 4.2.15-8b of the 2<sup>nd</sup> RDEIR, while all trucks will utilize roadways within San Bernardino County or City of Jurupa Valley for some portion of their route, approximately 52 percent of project-generated outbound trucks and 40 percent of inbound trucks will utilize Sierra Avenue in the City of Fontana.

The EIR has never asserted that fee programs mitigate all project impacts. The EIR does, however, state that payment of fees required by the San Bernardino County Regional Transportation Development Mitigation Program (commonly referred to as the "Nexus Program" or "San Bernardino County Nexus Program") provides mitigation for a project's impacts to the overall roadway system for which the program was established, regardless of jurisdictional boundaries. In addition to payment of required San Bernardino County Regional Transportation Development Mitigation Program fees, the project will provide the following improvements:

- Widen Locust Avenue between Jurupa Avenue and Slover Avenue to provide four travel lanes with a pavement section adequate to support proposed truck traffic. As stated in the WVLCSP, Locust Avenue would be initially improved with one travel lane in each direction, with widening to two lanes in each direction undertaken at such time as traffic warrants.
  - *Locust Avenue/Slover Avenue* intersection: provide northbound left-turn lane, westbound left-turn lane, and northbound right-turn lane.

- Provide full half-width roadway improvements along the south side of Jurupa Avenue from Locust Avenue to Kessler Park, where full half-width improvements along the south side of Jurupa Avenue are currently in place.
- Widen the westbound approach of Jurupa Avenue to Locust Avenue to accommodate a westbound left-turn pocket.
- Provide traffic signals at the following intersections:
  - Locust Avenue /Jurupa Avenue (construct)
  - Locust Avenue/11<sup>th</sup> Street (construct)
  - Locust Avenue/7<sup>th</sup> Street (construct)
  - Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the San Bernardino County Regional Transportation Development Mitigation Program)
  - Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County)

As stated in the WVLCSP, the proposed project will also provide geometric improvements along the project's primary truck routes to the I-10 and SR 60 freeways to provide adequate site distance and room for turning movements.

### **Response to Comment 1-4**

A truck management plan is presented on page 3-9 of the 2<sup>nd</sup> RDEIR, which provides for routing truck traffic on secondary, major, and arterial highways, rather than on local residential streets. Starting on page 3-12 of the 2<sup>nd</sup> RDEIR is a discussion of how a property owners' association to which the City of Fontana would be a third party for enforcement purposes will be formed to ensure that project-generated trucks stay on the proposed truck routes. See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

See Response to Comment SBC-20 regarding provision of CC&Rs to the County for review and comment along with copies of the ongoing mandatory reporting of the actual routes trucks are using to access the project site. Also see Response to Comment SBC-20 regarding enforcement of the truck management plan.

### **Response to Comment 1-5**

See Responses to Comments SBC-17 and 1-3 for discussion of roadway improvements that will be provided by the project in addition to required development impact fees.

### **Response to Comment 1-6**

See Responses to Comments SBC-17 and 1-3 for discussion of roadway improvements that will be provided by the project in addition to requirement development impact fees.

**Response to Comment 1-7**

See Responses to Comments SBC-17 and 1-3 for discussion of roadway improvements that will be provided by the project in addition to requirement development impact fees.

**Response to Comment 1-8**

See Responses to Comments SBC-17 and 1-3 for discussion of roadway improvements that will be provided by the project in addition to requirement development impact fees.

**Response to Comment 1-9**

Comment 1-9 refers to comments submitted by the Department of Public Works in response to the Notice of Preparation for the West Valley Logistics Center. Refer to Responses to Comments 2-1 through 2-4.

Letter 2

**DEPARTMENT OF PUBLIC WORKS**  
FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION • OPERATIONS  
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104  
Fax (909) 387-8130

GERRY NEWCOMBE  
Director of Public Works

July 31, 2012

File: 2-110/1.00  
224.0206

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

Attn: Mr. Orlando Hernandez, Senior Planner

**Re: ZONE 2 – FONTANA DRAINAGE – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT**

Reference is made to your July 11, 2012 transmittal regarding a Draft Environmental Impact Report (DEIR), requesting our review and recommendations for the proposed West Valley Logistics Center (WVLC) location. The site is located in the south eastern portion of the City of Fontana, and is generally bounded by Jurupa Avenue on the north, the Jurupa Hills on the west, the San Bernardino / Riverside County Line on the south, and unincorporated San Bernardino County on the east.

2-1

According to the most recent FEMA Flood Insurance Rate Maps, Panel 06071C8666H, dated August 28, 2008, the site lies within Zone X, unshaded.

The Flood Control District (District) has no existing facilities or right-of-way in the vicinity of this project. However, a review of the October 1992 San Bernardino County Comprehensive Storm Drain Plan 3-4 (CSDP 3-4), prepared by the San Bernardino County Flood Control District's Planning Division, indicates that a drainage facility, identified as Line C, traverses this site.

2-2

We have reviewed the documents and offer these comments:

1. One of the benefits of the CSDP is to identify the alignment of future drainage and flood control facilities. It is hoped that the City of Fontana will continue to use this document to protect the alignment of future facilities. There may be some flexibility at this time regarding the alignment of this facility. We recommend that you contact the District's Flood Control Planning Division at (909) 387-8120 regarding line C.
2. We recommend that the City of Fontana establish adequate provisions for intercepting and conducting the accumulated drainage around or through the site in a manner that will not adversely affect adjacent or downstream properties.

2-3

2-4

If you have any questions, or if you need additional information, please call Mary Lou Mermilliod of this office at (909) 387-8213.

*Kevin Blakeslee*  
**KEVIN BLAKESLEE, P.E.**  
Deputy Director – Flood Control

KB: MLM: DVB: ss ID72253

GREGORY C. DEVEREAUX  
Chief Executive Officer

Board of Supervisors			
BRAD MITZELFELT	First District	NEIL DERRY	Third District
JANICE RUTHERFORD	Second District	GARY C. OVITT	Fourth District
JOSIE GONZALES	Fifth District		

## **2.6.2 San Bernardino County Department of Public Works (July 31, 2012)**

**Note:** The San Bernardino County Department of Public Works also provided comments on the current, 2<sup>nd</sup> RDEIR. Please refer to Responses to Comments SBC-1 through SBC-36 for the County Department of Public Works' comments on the 2<sup>nd</sup> RDEIR that is being currently being considered by the Lead Agency, along with the Lead Agency's responses to those comments.

### **Response to Comment 2-1**

Comment 2-1 provides an introduction to the Department's comment letter and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 2-2**

This comment notes that a San Bernardino County drainage facility existing within the project site and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 2-3**

See Response to Comment SBC-26.

### **Response to Comment 2-4**

See Response to Comment SBC-26.



## Letter 3



**South Coast  
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

[ohernandez@fontana.org](mailto:ohernandez@fontana.org)

February 12, 2015

Mr. Orlando Hernandez, Senior Planner  
City of Fontana  
Community Development Department, Planning Division  
8353 Sierra Avenue  
Fontana, CA 92335

**Draft Environmental Impact Report (DEIR) for the  
West Valley Logistics Center Specific Plan (WVLCSP)**

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

3-1

In the project description, the Lead Agency proposes the construction of seven buildings for warehouse distribution and office space uses totaling approximately 3.48 million square feet on a 291-acre site. The Lead Agency has projected 6,384 total daily vehicle trips including at least 1,302 daily truck trips operating at the site. In the Air Quality Section, the Lead Agency quantified the project's construction and operation air quality impacts and has compared those impacts with the SCAQMD's recommended regional and localized daily significance thresholds. Based on its analyses, the Lead Agency has determined that construction air quality impacts will exceed the recommended regional daily significance threshold for NO<sub>x</sub> and operational daily air quality impacts for VOC, NO<sub>x</sub>, CO and PM<sub>10</sub>.

3-2

The SCAQMD staff has concerns regarding the air quality assumptions used in the operational portion of the CalEEMod land use model and that the proposed project should include all feasible mitigation measures in the Final CEQA document to further reduce the projected significant project construction and operational impacts. Details are included in the attachment.

3-3

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, at (909) 396-2448, if you have any questions regarding the enclosed comments.

3-4

Sincerely,

*Jillian Wong*

Jillian Wong, Ph.D.  
Program Supervisor  
Planning, Rule Development & Area Sources

Attachment  
JW:JC  
SBC141223-01  
Control Number

**Siting of an Incompatible Land Use**

1. The SCAQMD staff is concerned that the existing sensitive receptors will be exposed to significant regional and localized operational impacts, mostly from the daily truck activities that will likely operate using diesel fuel. Based on information in the DEIR (air quality analyses, the project truck distribution, or by aerial map inspection), the Lead Agency shows a minimum distance of 150 feet meters to the nearest sensitive receptor; a residence located east of the project site.<sup>1</sup> 3-5

As a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land-use decision making process, the California Air Resources Board (CARB) has provided the CARB Air Quality and Land Use Handbook (CARB Land Use Handbook). Based on guidance from the CARB Land Use Handbook, CARB recommends a buffer of at least 1,000 feet between land uses that will have 100 or more trucks per day.<sup>2</sup> 3-6

In accordance with the state CEQA Guidelines §15126.4 (a)(1)(D), the Lead Agency should discuss the proposed siting of this land use and any potential impacts resulting from any proposed mitigation related to the CARB Land Use Handbook guidance in the Final EIR.

**Air Quality Analysis**

**Daily Truck Trip Rate**

2. In the Air Quality Impact Analysis, the Lead Agency uses the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition, 2012 (ITE Manual) 1.68 overall trip generation rate (for cars and trucks totaling approximately 6,384 daily vehicles) for the proposed Project, but does not use the 0.64 (38.1%) daily truck trip rate from this same reference. Rather, the air quality analysis used a 0.343 daily truck trip rate (ITE 1.68 total daily trip rate minus 1.337 passenger vehicle trip rate = 0.343 (20.43%) daily truck trip rate) and truck vehicle fleet mixture percentages from the City of Fontana Truck Trip Generation Study (Fontana Study) to estimate project air quality operational impacts in the CalEEMod modeling. By using the 0.343 Fontana Study daily truck trip rate, trucks are estimated at 1,302 daily truck trips in the DEIR instead of approximately 2,225 daily truck trips using the ITE 0.64 daily truck trip rate. 3-7

Specifically, the Fontana Study fleet mixture percentages include: 3.46 percent of the total fleet for 2-axle Trucks; 4.64 percent for 3-axle trucks; and 12.33 percent for 4-axle and larger trucks with truck categories totaling 20.43 percent of the total vehicle fleet. Passenger Vehicles would therefore comprise 79.57 percent of total vehicles during operations. However, the 0.343 daily truck trip rate resulted in fleet percentages for the CalEEMod truck subcategories that were not proportionally adjusted consistent with the percentage of trucks 3-8

<sup>1</sup> Table 4.2.2.2-1. Sensitive Land Uses in the Project Vicinity

<sup>2</sup> CARB Air Quality and Land Use Handbook: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance is for siting new sensitive land uses within 1,000 feet of a distribution center, Page 4. The buffer is a neutral mitigation measure provided to minimize truck activity emission impacts to sensitive receptors. Besides truck activity of more than 1,000 trucks per day, this guidance applies to distribution centers that accommodate more than 40 transport refrigeration units per day or where TRU operations will exceed 300 hours per week truck activities and sensitive receptors, Page 4.

estimated using the ITE 0.64 daily truck trip rate. In order to avoid underestimating project operational and related air quality and health effect impacts, the Air Quality Analysis, HRA and FEIR should be revised using the following truck percentages: LHD2 = 0.0645, MHD = 0.0865, HHD = 0.2300.

3-8  
cont

Absent from a specific traffic study of known tenants, the Final EIR should be consistent using the associated ITE truck trip rate to estimate project daily truck trips so that project trips and associated emission and health effect impacts are not underestimated.

**Vehicle Fleet Mixture Percentages**

3. In the Air Quality Analysis, the Lead Agency has included the input parameters for the California Emissions Estimator Model (CalEEMod) land use model. Under fleet mixture percentages, the Lead Agency assigned 3.5 percent to Light-Duty Trucks 1(LDT1) instead of Light Heavy Duty 1 (LHD1) and 2.3 percent respectively to Medium Duty Vehicle and Light Heavy Duty 1. Based on the CalEEMod user guidance, these vehicles are likely heavier vehicles and the 3.5 percent should be assigned to the Light Heavy Duty category and the two 2.3 percentages assigned to MDV and LHD1 should rather be assigned to the Light Heavy Duty 2 category (4.6 percent total). These changes in the fleet mixture parameters follow the CalEEMod guidance and would also avoid underestimating the model's operational air quality impacts.

3-9

**Health Risk Assessment (HRA)**

4. SCAQMD staff did not receive the electronic modeling files for this project during the public comment period and were unable to verify the accuracy of the modeled impacts described in the DEIR. Specifically, SCAQMD staff was not able to verify the emission rates used in the HRA, the appropriateness of the meteorological station, the flag pole receptor height used, the location of sources modeled, and the selection of the points of maximum impact. Furthermore, Figures 4 and 5 are missing in the HRA.
5. The American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee (AERMIC) was formed to introduce state-of-the-art modeling concepts into the EPA's air quality models. Through AERMIC, a modeling system, AERMOD, was introduced that incorporated air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. As of December 9, 2006, AERMOD is fully promulgated as a replacement to ISC3, in accordance with [Appendix W \(http://www.epa.gov/ttn/scram/dispersion\\_prefrec.htm\)](http://www.epa.gov/ttn/scram/dispersion_prefrec.htm). AERMOD is a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. AERMOD-ready meteorological data for various meteorological stations within the South Coast Air Basin (SCAB) are available for download free of charge at <http://www.aqmd.gov/home/library/air-quality-data-studies/meteorological-data/data-for-aermod>. The Lead Agency used AERMOD (version 09292) to prepare the dispersion modeling for the Health Risk Assessment (HRA), which is outdated. The current version is AERMOD (version 14134). The improvements to AERMOD affect volume sources as well

3-10

3-11

as building downwash treatment. Therefore, SCAQMD staff recommends the Lead Agency revise the HRA with the current version of AERMOD. | 3-11 cont

6. The Lead Agency used the rural option in the dispersion modeling. SCAQMD modeling methodology requires the use of the urban option. Please provide an explanation of why the rural option is appropriate or revise the HRA using the urban option. | 3-12

**Warehouse Land Use Model Input**

7. The Lead Agency states that the Project will include both refrigerated and unrefrigerated warehouse space. On page 4.2.2-29 of the DEIR, the Lead Agency estimates that a “worst-case analysis, it was assumed that 5% of trucks serving the project site and up to 5% of the warehouse area within the site would be climate controlled.” However, in Appendix A – CalEEMod Model Printouts, refrigerated warehouse space accounts for approximately 8% of the entire warehouse space. The square footage used throughout the Draft EIR is inconsistent and the Lead Agency should update the total square footage analyzed in the Air Quality Analysis in the Final EIR. | 3-13

**Construction**

8. Since the Project is considered a large operation (50 acre sites or more of disturbed surface area; or daily earth-moving operations of 5000 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with all SCAQMD Rule 403 – Large Operation requirements. This may include but not limited to Large Operation Notification, appropriate signage, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class. Therefore, the Final EIR should contain a description of how the Project will comply with Rule 403. | 3-14

**Mitigation Measures for Operational Air Quality Impacts (Mobile Sources)**

9. Because the California Air Resources Board has classified the particulate portion of diesel exhaust emissions as carcinogenic and during project operations, the Lead Agency has determined that project operation emissions are significant for Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NOx), primarily from truck activity emissions, the SCAQMD staff therefore recommends the following changes and additional measures that should be incorporated in the Final EIR to reduce exposure to sensitive receptors and reduce potential significant project air quality impacts: | 3-15

**Electric Vehicle (EV) Charging Stations**

- Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2012 Regional Transportation Plan. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical

charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the Lead Agency require the proposed warehouse and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations.<sup>3</sup> Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should appropriately sized to allow for future expanded use.

3-15  
cont.

**CNG Fueling Station and Convenience Site**

- Because the proposed project will generate significant regional NOx operational impacts, the SCAQMD staff recommends that the project pro-actively take measures that could reduce emissions sooner rather than later. The SCAQMD staff therefore recommends that the Lead Agency ensure the availability of alternative fueling facility (e.g., natural gas) to serve the project site prior to operation of any logistics warehousing within the project area.

3-16

**Recommended Changes**

Mitigation AQ-13

- The Applicant shall specify a minimum of amount of electric vehicle charging stations that are accessible for trucks and vehicles.

**Additional Mitigation Measures**

- Provide minimum buffer zone of 300 meters (approximately 1,000 feet) between truck traffic and sensitive receptors.
- Limit the daily number of trucks allowed at each facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.
- Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.
- On-site equipment should be alternative fueled.
- Provide food options, fueling, truck repair and or convenience stores on-site to minimize the need for trucks to traverse through residential neighborhoods.
- Improve traffic flow by signal synchronization.

3-17

<sup>3</sup> [http://ladbs.org/LADBSWeb/LADBS\\_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf](http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf), page 95.

- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- Should the proposed Project generate significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency and project applicant.

3-17  
cont.

**Mitigation Measures for Operational Air Quality Impacts (Other)**

10. In addition to the mobile source mitigation measures identified above the Lead Agency should incorporate the following on-site area source mitigation measures below to reduce the project's regional air quality impacts from NO<sub>x</sub> emissions during operation. These mitigation measure should be incorporated pursuant to CEQA Guidelines §15126.4, §15369.5.

- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Install light colored "cool" roofs and cool pavements.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Use of water-based or low VOC cleaning products.

## 2.6.3 South Coast Air Quality Management District

**Note:** The SCAQMD also provided comments on the current, 2<sup>nd</sup> RDEIR. Please refer to Responses to Comments SCAQMD-1 through SCAQMD-19 for the SCAQMD's comments on the 2<sup>nd</sup> RDEIR that is being currently being considered by the Lead Agency, along with the Lead Agency's responses to those comments.

### Response to Comment 3-1

Comment 3-1 provides an introduction to the District's comment letter and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 3-2

Comment 3-2 summarizes information from the 1<sup>st</sup> RDEIR and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 3-3

Subsequent to preparation and public review of the 1<sup>st</sup> RDEIR, the project air quality analysis was updated to reflect the revised Project Description set forth in the 2<sup>nd</sup> RDEIR (see EIR Section 4.2.2). See also Responses to Comments SCAQMD-1 through SCAQMD-19 for discussion of the SCAQMD's review of the 2<sup>nd</sup> RDEIR and the City's responses to SCAQMD's comments.

### Response to Comment 3-4

Pursuant to Public Resources Code Section 21092.5, the SCAQMD will be provided with responses to its comments.

### Response to Comment 3-5

Comment 3-5 summarizes information from the 1<sup>st</sup> RDEIR and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 3-6

See Responses to Comments BC-3 and SBC-34 for discussion of the buffer area described in CARB's Handbook.

### Response to Comment 3-7

As discussed on page 4.2.15-26 of the 2<sup>nd</sup> RDEIR, Trip generation for the proposed project was developed using trip rates for Land Use 150 (Warehousing) and Land Use 152 (High-Cube Warehouse<sup>8</sup>), as contained in the ITE *Trip Generation Manual, 9th Edition, 2012*. See Response to Comment SBC-1.

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<sup>8</sup> ITE defines a high-cube warehouse as a warehouse that typically has at least 200,000 gross square feet of floor area with a ceiling height of 24 feet or more. As such, WVLCSP Buildings 4 and 6, each of which are proposed be less



As shown in Table 4.2.15-13 of the 2<sup>nd</sup> RDEIR, the project would generate 3,242 daily truck trips. A supplemental focused traffic assessment was prepared to evaluate the study area intersections using the latest ITE *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017, as requested by the San Bernardino County Department of Public Works in its comment on the 2<sup>nd</sup> RDEIR. Based on the most recent ITE *Trip Generation Manual*, the project would generate only 1,435 daily truck trips.

### **Response to Comment 3-8**

The following truck fleet mix was utilized for the purposes of estimating the truck trip generation for the site: 16.73 percent of the total trucks as 2-axle trucks, 20.7 percent of the total trucks as 3-axle trucks, and 62.57 percent of the total trucks as 4+-axle trucks, which is consistent with the SCAQMD's recommendations regarding fleet mix data.

### **Response to Comment 3-9**

This comment refers to an outdated air quality analysis that was prepared prior to preparation and public review of the 2<sup>nd</sup> RDEIR. The fleet mix used in the 2<sup>nd</sup> RDEIR is consistent with SCAQMD recommendations.

### **Response to Comment 3-10**

See Responses to Comments BC-7, CARB-3, SCAQMD-15, and =RTA-2.

### **Response to Comment 3-11**

The HRA included in the 2<sup>nd</sup> RDEIR used the most current AERMOD model available at its time of preparation.

### **Response to Comment 3-12**

In order to account for meteorological conditions at the project site, data from the Fontana monitoring station was utilized, as this is the nearest station to the project site for which meteorological data is available. Additionally, a receptor height of 0 meters and regulatory default options, and the urban dispersion coefficient were utilized.

### **Response to Comment 3-13**

No refrigerated warehouse space is currently proposed and was not, therefore, assumed in the analyses undertaken for the 2<sup>nd</sup> RDEIR. All references to refrigerated warehouse use in the 2<sup>nd</sup> RDEIR will be stricken from the Final EIR. In addition, the City of Fontana will impose a condition of approval prohibiting refrigerated warehouses within the project site.

### **Response to Comment 3-14**

Regulatory Requirement RR-AQ-3 reads as follows:

---

than 200,000 square feet in size, were analyzed as warehouses, while Buildings 1, 2, 3, 5, and 7, each of which are proposed to be greater than 390,000 square feet in size, were analyzed as high-cube warehouses.

**RR-AQ-3: Comply with South Coast Air Quality Management District Rule 403 – Fugitive Dust.** This rule is intended to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (human-made) fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions. Rule 403 applies to any activity or human-made condition capable of generating fugitive dust. Applicable dust suppression requirements from Rule 403 are summarized below.

- Nontoxic chemical soil stabilizers shall be applied according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Active sites shall be watered at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- All trucks hauling dirt, sand, soil, or other loose materials shall be covered, or at least 0.6 meter (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) shall be maintained in accordance with the requirements of California Vehicle Code Section 23114.
- Construction access roads shall be paved at least 30 meters (100 feet) onto the site from the main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 miles per hour or less.

### Response to Comment 3-15

The SCAQMD provided a comment letter on the Notice of Preparation of a CEQA document for the West Valley Logistics Center project and also provides comments on other CEQA projects. The SCAQMD's comment letter for the West Valley Logistics Center project and more recent CEQA documents includes a reference to several sources to consider for purposes of mitigating significant air quality impacts. See Response to Comment SBC-34 for discussion of these potential mitigation measures.

### Response to Comment 3-16

The SCAQMD provided a comment letter on the Notice of Preparation of a CEQA document for the West Valley Logistics Center project and also provides comments on other CEQA projects. The SCAQMD's comment letter for the West Valley Logistics Center project and more recent CEQA documents includes a reference to several sources to consider for purposes of mitigating significant air quality impacts. See Response to Comment SBC-34 for discussion of these potential mitigation measures.

### Response to Comment 3-17

The referenced mitigation measure appears in the 2<sup>nd</sup> RDEIR as Mitigation Measure AQ-12 and reads as follows:

**Mitigation Measure AQ-12: Incorporate Electric Vehicle Charging Stations and Carpool Parking.** The project shall be designed to incorporate electric vehicle charging stations and five carpool parking spaces at each building for employees and the public to use.

The wording of this measure is adequate to address charging for various types of electric vehicles. Location and accessibility of these charging stations will be addressed as part of the City site plan review process. Thus, the recommended revision to Mitigation Measure AQ-12 is unnecessary.

Letter 4

K. Shawn Smallwood, Ph.D.  
3108 Finch Street  
Davis, CA 95616

Orlando Hernandez, Senior Planner  
City of Fontana  
Community Development Department, Planning Division  
8353 Sierra Avenue  
Fontana, CA 92335

14 February 2015

RE: Draft Environmental Impact Report for West Valley Logistics Center Specific Plan

Dear Mr. Hernandez,

I write to comment on the Draft Environmental Impact Report (EIR) prepared for the West Valley Logistics Center Specific Plan (ICF 2014).

My education and experience are as follows. I earned a Ph.D. degree in Ecology from the University of California at Davis in 1990. Subsequently I worked at U.C. Davis for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been focused on animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and the ecology of invading species. I have authored numerous papers on special-status species issues, including "Using The Best Scientific Data For Endangered Species Conservation," published in Environmental Management (Smallwood et al. 1998), and "Suggested Standards For Science Applied To Conservation Issues" published in the Transactions of the Western Section of The Wildlife Society (Smallwood et al. 2001). I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I was a part-time lecturer at California State University, Sacramento. I was also Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management.

4-1

I have performed numerous surveys for special-status species over the last 25 years, including 11 years of surveys for California red-legged frog and California tiger salamander, and 14 years for Fresno kangaroo rat, several years for salt marsh harvest mouse and California clapper rail, 16 years for burrowing owl, and 25 years for Swainson's hawk and white-tailed kite. Based on my education and field experience, I am familiar with the ecology and habitat of wildlife species likely to occur on the project site. My CV is attached.

**BIOLOGICAL IMPACTS ASSESSMENT**

The EIR (ICF 2014) addressed the impacts of converting 212.11 acres to industrial use, although the project size was reported as 298 acres on page 4.2.3-1. This 298-acre area is the last open space connecting Jurupa Hills and Rattlesnake Mountain, in a region known for high species richness. Therefore, it is important that the EIR carefully and comprehensively considers the potential project impacts and mitigation. However, this EIR inadequately described the current environmental setting, and its impact assessments and mitigation measures fell far short of what was needed.

4-2

Under CEQA,<sup>1</sup> “[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.” The public needs information that is thorough, relevant, unbiased, and honest; the public needs full disclosure of the environmental setting and possible cumulative impacts. Documents presenting information from a biased perspective will tend to include omissions, logical fallacies, internal contradictions, and unfounded responses to substantial issues. Therefore, my assessment of the EIR and also considers omissions and bias, which bear on the sufficiency of the EIR.

4-3

I found many examples of bias in favor of the project. To begin with, the EIR neglected to describe the habitat assessment that was conducted in February 2013 (p. 4.2.3-1). The EIR stated that a habitat assessment was performed, but not who did it or what level of effort was applied. No dates were provided of when the site was visited, or what times of day, or for how long. No methods were described, such as whether a biologist walked over the site or just looked over it from car window. Furthermore, I did not see any reference in the EIR to supporting documents where I might find details of the habitat assessment. The level of detail in the EIR was so scant that there is no way that the public or decision-makers could be adequately informed about the habitat assessment, which was central to the impacts assessment and formulation of mitigation measures.

4-4

As an example of a biased conclusion, according to ICF (2014:4.2.3-27), “*The proposed project would directly remove 25.1 acres of CAGN [California gnatcatcher] Critical Habitat; however, none of the habitat is currently suitable for the species.*” None of the habitat is currently suitable for the species? The impression given by this conclusion is that habitat suitability is determined by permanent occupancy. However, wildlife ecologists have long known that occupancy is dynamic, and that only a fraction of suitable habitat will be occupied by the species at any given time (Taylor and Taylor 1979). The only exception to spatially dynamic distributions appears to be when available habitat has been severely constrained (Smallwood 2002). Otherwise, animal populations tend to occur in spatially dynamic clusters as a means to escape predator and parasite loads, to allow forage to recover while foraging elsewhere, and just because

4-5

<sup>1</sup> Environmental Planning and Information Council vs. County of El Dorado (1982) 131 Cal. App. 3d 350, 354.

natal populations senesce while dispersing young form new colonies in new locations. Just because a species was undetected within a habitat patch for two years does not mean that that habitat patch was unsuitable; it might mean that the species was active elsewhere while forage replenished or parasite loads diminished.

4-5  
cont.

In another indication of bias, ICF (2014:4.2.3-7) concluded that the potential for burrowing owls to occur on site is only "Moderate." According to ICF, "*Suitable vegetation communities are present; however no burrowing owls, owl sign, or suitable burrows were observed on the project site. Therefore, a focused survey was not conducted.*" However, any experienced wildlife biologist knows that walking over the site in February is unlikely to detect burrowing owls or nest burrows. Burrowing owls are typically on the move and are highly cryptic in February. Not seeing burrowing owls during February visits was not a sound justification for deciding to not perform focused surveys.

4-6

ICF (2014:4.2.3-19) concluded, "*...no suitable burrows needed for nesting were observed during the habitat assessment.*" However, earlier reporting in the EIR included detections of California ground squirrels, and ground squirrels provide suitable burrows for burrowing owl. How can ICF have seen ground squirrel burrows but then conclude that there were no suitable burrows for burrowing owls? This contradiction diminished the credibility of the decision that focused surveys were unwarranted.

4-7

In another attempt to minimize the impact assessment of the project on burrowing owls, ICF (2014:4.2.3-19) concluded, "*Existing conditions at the project site including the routine disking activities and offroad vehicle activities have likely kept burrowing owls from inhabiting or colonizing the project site.*" However, the majority of burrowing owls in California live within the agricultural landscapes of the Imperial Valley and the Great Central Valley, where disking is common and has not prevented burrowing owls from living amidst agriculture. Routine disking would not have kept burrowing owls from inhabiting the site. Also, as ICF must know full well, following 10 years of biological surveys performed by ICF in the Altamont Pass, the large population of burrowing owls in the Altamont Pass has persisted in spite of frequent vehicle activity and industrial activities. The argument made by ICF for minimizing project impacts on burrowing owls was unfounded. Burrowing owls are known to be disturbance-adapted, and readily take up residence near intense human activities, so long as suitable burrow opportunities are available.

4-8

According to ICF (2014:4.2.3-7), the northern San Diego pocket mouse is unlikely to occur on the project site, and the reason given was lack of undisturbed habitat. I found this conclusion unconvincing. For one thing, habitat is defined by the species' use of the environment, and not by a consultant's preconceived notion of whether a species would occur in a disturbed environment (which is everywhere these days). I have documented pocket mouse burrows on many disturbed soils, including on fill soils serving as landfill caps similar to the one that covers Planning Area 2 (Smallwood and Morrison 1997).

4-9

ICF (2014:4.2.3-8) assumed that California horned lark is absent from the site, because the species "*Prefers riparian woodlands along streams and rivers with mature, dense*

4-10

*stands of willows, cottonwoods, or smaller spring-fed or boggy areas with willows or alders.*” This habitat description was inconsistent with my experience with the species, which I encounter frequently in annual grassland environments. ICF’s species description might have applied to another species altogether, but not to California horned lark.

4-10  
cont,

ICF (2014:4.2.3-9) assumed that western mastiff bat is absent from the site, but this assumption was inconsistent with the habitat characterization provided by ICF: “...most frequently encountered in broad open areas. Foraging habitat includes dry desert washes, floodplains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.” The vegetation cover on the project site appears to be consistent with several of the cover types described as western mastiff bat habitat. I believe that ICF was over-optimistic about this species being absent from the site. Furthermore, there was no indication in the EIR that nocturnal surveys were performed for bats, or that visual detection surveys were employed.

4-11

I disagree with ICF’s (2014:4.2.3-9) assumed low likelihood of occurrence of loggerhead shrike. Based on my experience with loggerhead shrike, it is highly likely that this species forages and breeds on site.

4-12

I disagree with ICF’s (2014:4.2.3-9) assumed low likelihood of occurrence of San Diego black-tailed jackrabbit. According to ICF, this species “Occupies many diverse habitats, but primarily is found in arid regions supporting short-grass habitats.” This description seems consistent with the project site. But then ICF concluded absence based on “minimal suitable habitat.” This conclusion lacks foundation; there is ample short-grass cover in the arid environment of the proposed project site.

I disagree with ICF’s (2014:4.2.3-10) assumed absence of pocketed freetail bat. ICF justified its assumption by claiming “No suitable roosting or foraging habitat is present on the project site.” However, ICF neglected to characterize foraging habitat of this species.

I also cannot agree with ICF’s assumed absence of southern grasshopper mouse. ICF based its assumption on the conclusion that there is “no suitable habitat.” According to ICF (2014:4.2.3-10), the southern grasshopper mouse “Inhabits a variety of low open and semi-open scrub habitats including coastal sage scrub, mixed chaparral, low sagebrush, riparian scrub, and annual grassland with scattered shrubs.” This habitat description appears consistent with ICF’s description of the proposed project site. I have found grasshopper mice in similar arid grassland environments, and I would expect to find them on this project site as well.

4-13

For similar reasons, I disagree with ICF’s assumed low likelihood of occurrence of Los Angeles pocket mouse. According to ICF (2014:4.2.3-10), the Los Angeles pocket mouse “Occurs in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils.” But then ICF concluded “Minimal habitat on the western boundary within the RSS, outside the limits of disturbance.” In my experience, Heteromyid rodents such as Los Angeles

4-14

pocket mouse often thrive in disturbance regimes involving frequent clearing of vegetation and accumulation of fine sediments. To conserve Heteromyid rodents, I have managed sites by introducing and maintaining disturbance regimes. I would not rule out the occurrence of Los Angeles pocket mouse until the completion of extensive live-trapping using appropriate methods.

4-14  
cont.

I disagree with ICF's assumed absence of coast horned lizard. ICF claimed there is no suitable habitat, but the vegetation cover of the project site is consistent with ICF's characterization of the species' habitat, and ICF did not conclude that the site lacks sands in the soil or harvester ants in the community (horned lizard food).

ICF's assumed absence of American badger was unjustified. There was no sound reason to assume absence. Ground squirrels and Botta's pocket gophers were seen on site by ICF, and both of these species are typical prey of American badger. I have many times watched badgers dig into ground squirrel and pocket gopher burrows in annual grasslands during nocturnal surveys with the aid of a thermal camera. I have worked with and around American badgers in many places and environments. There is no reason to believe that American badger would be absent from the proposed project site, unless the habitat fragmentation in the region has already wiped out the species.

4-15

**Wildlife Movement**

According to ICF (2014:4.2.3-20), "*Currently, there are no existing habitat features that occur between Rattlesnake Mountain and the Jurupa Hills that would be expected to support a wildlife movement corridor...*" This statement would have the reader believe that there is a scientifically established habitat feature that qualifies a portion of the environment as a wildlife movement corridor. This notion was contrived; there is no such feature except for forced corridors due to anthropogenic land use changes that leave strips of land as the only available path for wildlife to move from one place to another. Otherwise, wildlife move across many landscape and habitat features, and in some situations this movement can be more concentrated than in other situations.

4-16

In the case of the project area, however, wildlife movement between the Jurupa Hills and Rattlesnake Mountain has already been severely constrained to the open space that is proposed for the West Valley Logistics Center (Figure 1). Past land use changes have left the Jurupa Hills and Rattlesnake Mountain completely surrounded by residential, commercial and industrial uses, so terrestrial wildlife can no longer move into out of these hills. The only movement possible between these hills is through the open space that is the proposed project site. The proposed project site now functions as a constrained movement corridor (*sensu* Smallwood 2002). Removing this corridor would isolate wildlife populations in the Jurupa Hills and Rattlesnake Mountain from each other, and would therefore contribute significantly to habitat fragmentation. Habitat fragmentation has long been recognized as the greatest threat to the persistence of wildlife populations (Wilcox and Murphy 1985). The level of habitat fragmentation that has already occurred in the region of the project has obviously been profound, with devastating consequences. By severing the last remaining wildlife movement linkage between Jurupa Hills and Rattlesnake Mountain, this project could completely

4-17



eliminate any remaining populations of mammalian carnivores, which would devastate the ecological community and its food chain.



**Figure 1.** The proposed project area (blue-shaded polygons) provides the only remaining open-space linkage (red arrows) between the Jurupa Hills on the left and Rattlesnake Mountain on the right. Both the Jurupa Hills and Rattlesnake Mountain are completely surrounded by urban, commercial, and industrial uses, so severing the last open-space link between these two areas would contribute significantly to habitat fragmentation and to the diminishment of wildlife populations in this area.

4-17  
cont.

ICF (2014:4.2.3-20) attempted to dismiss the project area as important to wildlife movement by claiming, “The two areas [Jurupa Hills and Rattlesnake Mountain] are separated by open land that has been routinely disked or disturbed by other uses, and no longer supports native vegetation complexes.” However, these characterizations – even if entirely accurate -- do not disqualify the site as potentially important to wildlife movement. Wildlife routinely move across disturbed landscapes and across nonnative habitat; in fact, they have to move across such landscapes because most landscapes, if not all of them (even designated wilderness areas), have been disturbed by human activities and colonized by exotic species.

4-18

According to ICF (2014:4.2.3-33), “The project site is currently the only open space connecting the native RSS habitats in the Jurupa Hills and Rattlesnake Mountain (Figure 4.2.3-2). Due to past disturbance (i.e., diking) and degradation of habitat, the open space lacks native habitat that would support a wildlife movement corridor between Rattlesnake Mountain and the Jurupa Hills...” The first of these two sentences clarifies that the only opportunity for wildlife to move between the Jurupa Hills and Rattlesnake Mountain is through the open space composing the proposed project site. This open space would qualify as a constructed movement corridor, as land use changes

4-19

around this site have left only this site as viable for terrestrial wildlife to move between the Jurupa Hills and Rattlesnake Mountain. The second of the two sentences implies that the constrained movement corridor is no longer viable due to on-site disturbance. As stated earlier, this implication was contrived, and lacks evidence that the disturbances would have prevented wildlife from crossing the site. Wildlife obviously use the site, as reported in the EIR, including ground squirrels, desert cottontails, pocket gophers, and a suite of other species. If these species reside on the site, then there is no reason to expect that other wildlife would be unable to move across the site.

4-19  
cont.

ICF (2014:4.2.3-33) goes on to contrive additional argument against the site serving as a movement corridor, *“Because of a lack of vegetative cover, the only species that would be expected to migrate between Rattlesnake Mountain and the Jurupa Hills are avian species, including CAGN. While adult CAGN may be less likely to move between these two ranges due to their existing territories, juvenile CAGN will disperse outside of natal areas to establish their own territories.”* Not all terrestrial species of wildlife require vegetation cover to move across a landscape. I have many times seen animals moving across open landscapes, including at night while performing surveys with a thermal camera. I saw this more often this past year after the severe drought conditions eliminated vegetation cover from large tracts of annual grassland. ICF’s argument is not credible.

4-20

Citing lack of habitat and human disturbance of the site, ICF claimed that the open space of the proposed project no longer serves as a wildlife movement corridor. However, this conclusion followed a red herring argument. CEQA does not identify corridors as central to the environmental impact on wildlife movement. The real issue is whether the proposed project will interfere with the movement of wildlife, thereby disrupting a fundamental ecological requirement of wildlife species. The EIR did not seriously address the question of whether the project will interfere with the movement of any species of wildlife in the area, because no surveys were performed to establish how or where wildlife move between Rattlesnake Mountain and Jurupa Hills.

4-21

**Cumulative Impacts**

According to ICF (2014:6-15), *“The majority of the cumulative projects identified in Table 6-1 that are within San Bernardino County are in urban and urbanizing areas or are physically separated from the open space areas adjacent to the project site, and would not contribute to cumulative biological impacts in combination with the proposed project.”* This conclusion, however, ignores the avian migration stopover value of open spaces within urbanizing areas. Migrating birds require habitat patches in which to stop and rest while on migration. As these areas are removed from the region, the cumulative impacts will increase and will be significant.

4-22

I was prepared to concur with ICF’s (2014:6-15) conclusion, *“The cumulative effect of past projects has already resulted in impeding the movement of wildlife between the Jurupa Hills and Rattlesnake Mountain, which is considered to be a significant cumulative impact.”* But then in the next paragraph of the EIR, ICF (2014) added, *“However, as discussed in Impact BIO-5, the only species that could potentially move*

*between the Jurupa Hills and Rattlesnake Mountain under current conditions is CAGN [California gnatcatcher].* This claim lacks foundation, and was so absurd as to call into question the credibility of the entire cumulative impacts assessment. ICF's claim that terrestrial wildlife can no longer move across the open space in question is inconsistent with my personal experience as a wildlife ecologist and with so much that has been documented in the field of wildlife ecology. Furthermore, it is ridiculous to allege that California gnatcatcher can use the site for movement, but that no other species of bird can also do so.

4-22  
cont.

ICF (2014:6-15) claimed, *"The proposed project would not result in a cumulatively considerable contribution to the regional decline of CAGN, rare plants, tricolored blackbird, Southern California rufous-crowned sparrow, burrowing owl, northwestern San Diego pocket mouse, red-diamond rattlesnake, loggerhead shrike, San Diego black-tailed jackrabbit, San Diego desert woodrat, or Los Angeles pocket mouse because of the protections afforded by the MSHCP and requirements for compliance with the state and federal endangered species acts."* However, it was inappropriate to claim that a conservation plan developed for other projects is going to offset the impacts caused by this project outside the jurisdiction of the MSHCP. No evidence was provided that the protections afforded by the MSHCP would offset the impacts of this project, for which the MSHCP was not designed.

4-23

In summary, the impacts assessment ended up with a lot of conclusions that were inconsistent with well-known trends that have been documented in the field of wildlife ecology. Arguments leading to these conclusions were inconsistent, contradictory, and often unfounded. Given that the habitat assessment was only vaguely described and obviously highly cursory, one would think that the EIR would err on the side of caution when making conclusions about biological impacts. After all, erring on the side of caution is the standard when making conclusions of potential impacts to sensitive resources in the face of high uncertainty (National Research Council 1986, Shrader-Frechette and McCoy 1992, O'Brien 2000). But this was not the side of caution that was used by ICF.

4-24

**MITIGATION**

Measures 2 and 3 are preconstruction surveys for breeding birds and burrowing owls. I agree that these measures should be taken, but I suggest that breeding birds surveys should be performed prior to certification of the EIR. The public and the decision-makers need to know the environmental setting and potential impacts of the project. Walkover surveys done in February could not have informed about nesting birds on site, any more than daytime surveys could inform about bat use of the site at night.

4-25

Measure 8 would provide for a 100-foot wide shrub and ornamental tree corridor intended as a dispersal corridor for California gnatcatcher needing to move between Rattlesnake Mountain and Jurupa Hills (2014:4.2.3-34). This measure was intended to mitigate for the loss of the last patch of open space separating Rattlesnake Mountain and Jurupa Hills. However, a 100-foot wide corridor would be much too narrow to effectively accommodate the movement needs of most species and of most individuals of

4-26

the few species that might make use of the corridor; for animals trying to find this corridor as a way across the human landscape, it would be like trying to find a needle in a haystack. ICF provided no evidence in support of this corridor width or content (e.g., planted ornamentals). ICF provided no monitoring plan to document effectiveness of the corridor, and provided no backup plan in the case that the corridor proves ineffective.

4-26  
cont.

According to ICF (2014:4.2.3-34), “No new impacts on wildlife were determined to occur in association with Armstrong Road from lighting, road mortality, or other exposure, as project-related improvements would not include additional lanes of traffic, lighting, or other exposure that are different from existing conditions.” This conclusion lacks foundation and ignores the experience accumulated from so many previous land use changes that blocked wildlife from moving between habitat patches. This project will take the last remaining patch of open space between Jurupa Hills and Rattlesnake Mountain, so all the animals that used to traverse it will end up searching for ways across. This extra search effort will more often put them on Armstrong Road. No added traffic or lighting will be needed to result in an increased death toll due to automobile collisions. I have been counting and mapping roadkill along the same 130-mile transect in the Great Central Valley since 1989, where I have also monitored land use. As warehouses and housing developments were built out, the automobile collision rate rose wherever the build-outs occurred. Only two months ago I nearly got run over while trying to save a gopher snake that had been run over by a car at a new intersection by a new housing development (the snake did not survive). Since this housing development was built, there has been the typical spike in fatalities of striped skunks, coyotes, gray foxes, desert cottontails, and snakes. The construction of West Valley Logistics Center will increase the collision toll on Armstrong Road. The EIR did not present any mitigation for this impact.

4-27

In summary, the mitigation measures were grossly inadequate. They included preconstruction surveys for special-status species, but no compensatory measures for direct, indirect, or cumulative impacts. This lack of mitigation could be due to the fact that the loss of the last remaining habitat linkage between Jurupa Hills and Rattlesnake Mountain will cause biological impacts that are so severe that they could never be mitigated. Based on my experience, I predict that no populations of mammalian carnivore will persist for long in the Jurupa Hills and Rattlesnake Mountain after this project is developed. Burrowing owls will cease to exist in the region, and local populations of California gnatcatcher will likely disappear within a decade.

4-28

**REFERENCES CITED**

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Shawn Smallwood, Ph.D.

## 2.6.4 K. Shawn Smallwood, Ph.D.

**Note:** The law firm of Lozeau Drury submitted Mr. Smallwood's comments on the 1<sup>st</sup> RDEIR on behalf of their client: Laborers International Union of North America, Local Union No. 783 and its members living in San Bernardino County. Subsequent to submittal of this comment letter, the applicant and the union met over the period of several months, reaching agreement on project construction and environmental issues. Lozeau Drury was provided with a copy of the 2<sup>nd</sup> RDEIR for review on behalf of their client during that EIR's public review period. In light of the agreement reached between the applicant and the Laborers International Union of North America Local Union No. 783, Lozeau Drury did not provide any comments on the 2<sup>nd</sup> RDEIR.

### Response to Comment 4-1

This comment summarizes the professional qualifications of the comment writer and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 4-2

As shown in Table 3-1 of the 2<sup>nd</sup> RDEIR, of the 291.31 acres within the project site, 212.11 acres will be converted to industrial use. The balance of the site consists of open space preservation (55.23 acres), detention basins (16.47 acres), and roadway rights-of-way (7.5 acres).

The sources of information used in 2<sup>nd</sup> RDEIR include a habitat assessment conducted in February 2013, during which vegetation communities were identified and evaluated for the potential to support sensitive plant and animal species, wildlife movement corridors and linkages, and potential jurisdictional features. Sensitive plant surveys were conducted in April and June 2013 to coincide with the flowering periods of the sensitive plant species that have the potential to occur on the project site. Delineation of federal and State jurisdictional waters was conducted in February and March 2013. Field surveys were conducted in 2014, and a supplemental habitat assessment was prepared in August 2014. Additional surveys of the site were conducted in February 2017.

These studies were conducted by and under the supervision of Dr. Tom McGill, who has worked as a wildlife biologist conducting sensitive species surveys and preparing incidental take permits for 36 years. Dr. McGill has conducted several dozen surveys within the City of Fontana and adjacent areas over the last 25 years, and is highly knowledgeable of the area's habitats and species. The existing biological resources setting, discussion of project-related impacts, and project design features and EIR mitigation measures addressing biological resources are based on Dr. McGill's on-site studies and his knowledge of the area, as well as (1) peer review of his findings and conclusions and (2) the independent judgment of the City of Fontana.

Comment 4-2 provides sets forth a summary assertion regarding the adequacy of the 1<sup>st</sup> RDEIR's biological resources analysis but provides no evidence to support that assertion. See Responses to Comments 4-4 through 4-28 for specific responses to specific comments.

### Response to Comment 4-3

This comment provides background references to CEQA requirements and sets forth the commenter's general opinions regarding bias in environmental documents. As such, raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 4-4**

Details regarding the methodology for the 2013 habitat assessment were set forth in the habitat assessment itself, which was included as Appendix D to the 1<sup>st</sup> RDEIR. Details regarding the methodology for the updated 2017 habitat assessment are clearly set forth in the habitat assessment itself, which was included as Appendix D to the 2<sup>nd</sup> RDEIR.

### **Response to Comment 4-5**

The surveying biologists reached their conclusions based on the degraded quality of the habitat on site. These biologists are certified by the USFWS and followed USFWS protocols for determining presence or absence of CAGN in the coastal sage scrub habitat found along the site's western boundary. It should be noted that CAGN has been observed along the site's western boundary in previous surveys but were not located within the project's development footprint which does not include coastal sage scrub habitat. CAGN have not been observed on site or within the general vicinity of the project site since 2007.

### **Response to Comment 4-6**

Dr. McGill has been conducting biological surveys of the project site for over a decade, including several burrowing owl surveys, and has not detected burrowing owls or sign of burrowing owls in any of his surveys of the site. In addition, given the type and quality of on-site habitat, the species has a low potential to occur on this property.

### **Response to Comment 4-7**

The project site generally consists of undeveloped, vacant land that is heavily disturbed and has been subject to varying degrees of human disturbance. The site is generally open and has the potential to provide line-of-sight opportunities for burrowing owl foraging, but these areas also provide limited available cover for this species. Ongoing vegetation clearing and weed abatement activities has reduced the potential for burrowing owls to occur on site.

Despite a systematic search of all suitable burrows and open habitat throughout the project site, no burrowing owl or sign (pellets, feathers, castings, or white wash) was observed during the 2013 and 2017 habitat assessments. Most of the ground squirrel burrows observed were occupied by ground squirrel at the time of the survey and no burrowing owls or sign was observed in or around the on-site burrows. However, a burrowing owl pre-construction clearance survey is being required to ensure burrowing owl remain absent from the project site.

### **Response to Comment 4-8**

This comment provides no evidence as to the relevance of conditions on an undisclosed site located hundreds of miles away. As discussed in Responses to Comments 4-6 and 4-7, the conclusions set forth in the EIR are based on site-specific surveys of the project site conducted by a highly qualified biologist with substantial expertise in the biology of Fontana and southwestern San Bernardino County.

### Response to Comment 4-9

As discussed in Responses to Comments 4-6 and 4-7, the conclusions set forth in the EIR are based on site-specific surveys of the project site conducted by a highly qualified biologist with substantial expertise in the biology of Fontana and southwestern San Bernardino County. Based on the 2013 and 2017 habitat assessments and their on-site surveys, the EIR concluded that the majority of the site, including the development footprint, does not support native vegetation and is highly disturbed by the use of the site for borrow as well as frequent off-road vehicle activity. Thus, there is a low potential for this species to occur. That a pocket mouse was found 28 years ago in the Hanford area of the Central Valley is not indicative of the suitability of the project site for this species.

### Response to Comment 4-10

This flocking species is generally found in shortgrass prairies, grasslands, disturbed fields, or similar habitat types. However, on-going disturbance within the site (e.g., off-road vehicle use, trash dumping) precludes the presence of this species.

### Response to Comment 4-11

Comment 4-11 only partially quotes the EIR, which states in full regarding the western mastiff bat:

“Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least three meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.”

Based on site-specific surveys of the project site, the EIR concluded that no suitable habitat exists for this species to be resident on site.

### Response to Comment 4-12

In relation to the loggerhead shrike, comment 4-12 presents no evidence other than the conclusory statement that “it is highly likely that this species forages and breeds on site.” As explained by the Court in *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515:

Evidence must be presented in a manner that gives the agency the opportunity to respond with countervailing evidence.

This species is identified in the 2<sup>nd</sup> RDEIR as “often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.” Based on habitat requirements for the loggerhead shrike, the availability and quality of habitats needed by the species, and surveys conducted of the project site, it was determined that the project site provides suitable foraging habitat but has an overall low potential to support the loggerhead shrike.

Although San Diego black-tailed jackrabbit is found in a variety of habitats and could forage in some of the plant communities found on site, the heavy and continual level of human disturbance to the site appears to have substantially reduced the potential for their occupation of the site. The 2<sup>nd</sup> RDEIR reports that the San Diego black-tailed jackrabbit was “observed on site in 2014.” Its



potential habitat lies within the 55-acre RSS habitat conservation area and outside of the project's area of disturbance.

### **Response to Comment 4-13**

Comment 4-13 provides no evidence supporting the commenter's disagreement with the EIR's conclusion that no suitable habitat existed for the pocketed free-tailed bat. The 2<sup>nd</sup> RDEIR notes that this species is "often found in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis." Such habitat does not exist within the project site.

While the southern grasshopper mouse could potentially occupy some of the habitats found on site, the heavy level of disturbance (use of the site for borrow, decades of agricultural use, and ongoing use by off-road vehicles and illegal trash dumping) has significantly diminished the potential for this species to occur. As a result, the Southern grasshopper mouse is considered to have a low potential for occurrence.

### **Response to Comment 4-14**

Habitat within the project site's development footprint does not have the potential to support the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) due to heavy disturbance from previous agricultural and mining operations, as well as from on-going human disturbance in the form of illegal off-road vehicle use and trash dumping. In addition, the species has not been documented in the California Natural Diversity Database as occurring within 5 miles of the project site. It is, however, acknowledged in the 2<sup>nd</sup> RDEIR to have a low potential to occur outside of the development footprint in lands that are being conserved in perpetuity within the 55-acre conservation area located adjacent to existing undeveloped lands in the Jurupa Hills. Thus, live trapping of the species is unnecessary.

Although there are plant communities on the project site that are known to support coast horned lizard, several decades of heavy disturbance to the project site have precluded coast horned lizard from occurring. Despite numerous surveys of the project site by Dr. McGill and his associates over a ten-year period preceding the 2<sup>nd</sup> RDEIR, coast horned lizard has not been identified on site, and is considered to have a low potential to occur.

### **Response to Comment 4-15**

The heavy level of disturbance (use of the site for borrow, decades of agricultural use, and ongoing use by off-road vehicles and illegal trash dumping) has significantly disturbed on-site habitats. Based on site surveys conducted for the proposed project and numerous surveys of the project site by Dr. McGill and his associates over the ten-year period preceding the 2<sup>nd</sup> RDEIR, no suitable habitat for the American badger was determined to be present on site.

### **Response to Comment 4-16**

Natural habitat and/or the presence of native shrub that would afford cover and protection to migrating wildlife is not present within the project site. The open land between Rattlesnake Mountain that sits on the eastern boundary of project site and the coastal sage scrub habitat on the site's western boundary has been routinely disked for over ten years, removing natural vegetation and any potential cover for migrating species. The Western Riverside County MSHCP recognized this

lack of cover to provide terrestrial connectivity between Rattlesnake Mountain and the Jurupa Mountains and characterized the Jurupa Mountains as providing “stepping stone” habitat for migrating bird species. The proposed development will re-establish and maintain the availability of “stepping stones” for use by avian species by incorporating rooftop plantings of appropriate shrubs within the southern portion of the project site.

### **Response to Comment 4-17**

See Response to Comment 4-16. The EIR’s conclusions regarding the site’s existing function as a wildlife corridor is based on site surveys conducted for the proposed project and numerous surveys of the site and surrounding areas by Dr. McGill and his associates over the 10-year period preceding the 2<sup>nd</sup> RDEIR. The level of disturbance present within the site, lack of vegetative cover in the flat eastern portion of the site, and ongoing human disturbance preclude use of the site as a wildlife movement corridor.

### **Response to Comment 4-18**

See Responses to Comments 4-16 and 4-17.

### **Response to Comment 4-19**

See Responses to Comments 4-16 and 4-17.

### **Response to Comment 4-20**

Because the commenter “may have seen animals moving across open landscapes, including at night while performing surveys with a thermal camera” at other locations does not constitute evidence that the West Valley Logistics Center site functions as a wildlife corridor. See also Responses to Comments 4-16 and 4-17.

### **Response to Comment 4-21**

See Responses to Comments 4-16 and 4-17.

### **Response to Comment 4-22**

See Responses to Comments 4-16 and 4-17. As noted in Response to Comment 4-16, “Natural habitat and/or the presence of native shrub that would afford cover and protection to migrating wildlife is not present within the project site.” Thus, the EIR has concluded that wildlife movement across the project site is not occurring that the proposed project would not, therefore, have a significant impact.

### **Response to Comment 4-23**

While past, present, and reasonably foreseeable future projects would result in significant cumulative impacts, such cumulative impacts have been mitigated by the MSHCP in Riverside County and project-specific mitigation in for projects in San Bernardino County. The current disturbed conditions of the project site, created by years of agricultural use and a heavy and ongoing level of human disturbance, has significantly minimized the availability of suitable habitat on site. Since the project site is itself so heavily disturbed, an avian movement feature is being proposed as

part of the project, and those portions of the site that are relatively less disturbed will be preserved, the project's contribution to cumulative impacts would be less than considerable.

### **Response to Comment 4-24**

This comment provides a summary conclusion of previous comments. See Responses to Comments 4-1 through 4-24 for specific responses to specific comments.

### **Response to Comment 4-25**

Site surveys have been conducted by Dr. McGill and his associates over a period of more than 10 years and include reconnaissance level surveys as well as a number of protocol-level, focused surveys as documented in the Habitat Assessment included in Appendix D of the 2<sup>nd</sup> RDEIR. The 2<sup>nd</sup> RDEIR provides protections for breeding birds including requiring pre-construction surveys and protective buffers to prevent encroachment or impacts. Protection of the birds present at the time of construction is appropriate because birds are mobile and their presence in any particular location can change from year to year. Since the impact mechanism is site preparation and grading, use of pre-construction surveys is an appropriate means of protecting nesting birds actually present at the time impacts occur.

### **Response to Comment 4-26**

See Responses to Comments 4-16 and 4-17. The concept of a 100-foot wide corridor was modified in the 2<sup>nd</sup> RDEIR. Specific Plan Requirement SP-B-3 provides for a combination of ground-level native plantings and rooftop plantings of RSS plant species to create vegetative substrate that could facilitate avian species east-west dispersal between Rattlesnake Mountain, the proposed 55.23-acre on-site RSS conservation area, and the Jurupa Hills. The avian movement feature is illustrated in Figure 3-8.

### **Response to Comment 4-27**

Given the history of existing development along Armstrong Road in the immediate vicinity of the project site, as well as the long history of heavy disturbance of the project site, wildlife movement from Rattlesnake Mountain to the Jurupa Hills across Armstrong Road and the project site does not occur. Thus, site development and increased traffic along Armstrong Road was determined in the 2<sup>nd</sup> RDEIR to have a less than significant impact on wildlife movement. Thus, no mitigation is required.

### **Response to Comment 4-28**

Comment 4-28 provides no evidence in support of its dire assertions. As stated on page 4.2.3-16 of the 2<sup>nd</sup> RDEIR, there are currently "no existing habitat features that occur between Rattlesnake Mountain and the Jurupa Hills that would be expected to support a wildlife movement corridor (see Appendix D, Exhibits 1 and 3). The two areas are separated by open land that has been routinely disked or disturbed by other uses, and no longer supports native vegetation complexes that could be used by wildlife including avian species as cover while crossing the development area as it exists currently. Existing vegetation that occurs within the development area between the Jurupa Hills and Rattlesnake Mountain is currently lacking and is composed of disturbed dirt fields subject to a high degree of human disturbance."

Letter 5



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February 13, 2015

*Via email and overnight delivery*

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**Re: WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN PROJECT  
 Recirculated Draft Environmental Impact Report  
 SCH #2012071058**

Dear Mr. Hernandez and Mr. Troyer:

Thank you for this opportunity to submit the following comments on behalf of Laborers International Union of North America, Local Union No. 783 and its members living in San Bernardino County (collectively "LIUNA Local Union No. 783" or "LIUNA" or "Commenters") regarding the Recirculated Draft Environmental Impact Report ("RDEIR") prepared for the West Valley Logistics Center Specific Plan, State Clearinghouse No. 2012071058 ("Project").

On June 5, 2014, LIUNA submitted comments on the Draft Environmental Impact Report ("DEIR") prepared for the Project, as did many other citizens, and governmental agencies, including the California Department of Fish and Wildlife ("DFW"), the South Coast Air Quality Management District ("SCAQMD"), the City of Jurupa Valley, and others. However, the City of Fontana ("City") as lead agency for the CEQA review of the Project, chose not to respond to any of the comments on the DEIR. Instead, the City issued the RDEIR. As a result, the RDEIR suffers from many of the same deficiencies as the DEIR. Therefore, LIUNA reincorporates our previous comments on the DEIR herein in their entirety by reference, and reincorporates the comments of the DFW, City of Jurupa Valley and all other comments on the DEIR herein by reference in their entirety. LIUNA requests that the City respond to all of the comments made on the DEIR and RDEIR in the Final RDEIR.

5-1

After reviewing the RDEIR and supporting documents, it is clear that the document contains numerous errors and omissions that preclude accurate analysis of

5-2

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the Project. As a result of these inadequacies, the RDEIR fails as an informational document and fails to impose feasible mitigation measures to reduce the Project's impacts.<sup>1</sup> In particular, the RDEIR suffers from the following significant errors and omissions, among others:

- **AIR QUALITY:** The RDEIR fails to adequately analyze air quality impacts because the analysis is not supported by substantial evidence, and because it fails to consider CARB recommendations regarding health impacts from diesel particulate matter on nearby communities.
- **GREENHOUSE GAS:** The RDEIR fails to adequately analyze and mitigate greenhouse gas impacts because the DEIR relies on an improper threshold of significance, and because the mitigation measure proposed are not sufficient under CEQA and not supported by substantial evidence.
- **TRAFFIC:** The RDEIR's traffic analysis is inadequate because it relies on outdated traffic data that is several years old. As a result, the baseline for the traffic analysis is inadequate and fails to comply with relevant guidance documents.
- **HAZARDOUS MATERIALS:** The baseline of the physical environmental conditions in the vicinity of the Project is erroneous because the RDEIR does not provide adequate analysis of existing site contamination.
- **BIOLOGICAL IMPACTS:** As noted by the California Department of Fish and Wildlife, the Project will have significant impacts on several special status species, and these impacts have not been adequately mitigated in the RDEIR.
- **CUMULATIVE IMPACTS:** The RDEIR's cumulative impact analysis is little more than a list of conclusions, unsupported by any evidence. Moreover, the scope of the cumulative impacts analysis is too narrow.
- **ALTERNATIVES:** The RDEIR contains a more thorough alternatives analysis than did the DEIR. However, the RDEIR rejects the environmentally superior Alternative 5 without substantial evidence that Alternative 5 would be infeasible. Therefore the alternatives analysis remains legally deficient.
- **MITIGATION:** The City's conclusion that the RDEIR contains all feasible mitigation measures is not supported by substantial evidence. There are

5-2  
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<sup>1</sup> We reserve the right to supplement these comments at later hearings and proceedings for this Project. See *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109.

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numerous other mitigation measures that should be required that are feasible and that would reduce or avoid significant air quality, biological, traffic and greenhouse gas impacts.

This letter is supported by the comments of the following experts:

1. Environmental Scientists, Matthew Hagemann, C. Hg. and Jessie Jaeger, of Soil Water Air Pollution Enterprise (SWAPE).
2. Traffic Engineer, Tom Brohard, P.E.
3. Wildlife Biologist, Dr. Shawn Smallwood, Ph.D.<sup>2</sup>

5-2  
 cont.

These expert comments are attached hereto and must be responded to separately. Commenters request the Planning Commission, the Board of Supervisors, and city staff address these shortcomings in a revised draft environmental impact report (RDEIR) and recirculate the RDEIR prior to considering approvals for the Proposed Project.

5-3

**I. BACKGROUND**

The Project site encompasses 291 acres of land in the southeastern portion of the City of Fontana in San Bernardino County. (RDEIR, ES-2.) The Project site borders the unincorporated community of Bloomington in San Bernardino County to the east and the City of Jurupa Valley in Riverside County to the south. (*Id.*) The Project consists of a specific plan, the West Valley Logistics Center Specific Plan, that is being proposed by Hillwood Investment Properties, Inc., the Project Applicant. (*Id.*, ES-2.) The Project site was previously approved for a mixed-use residential community known as the Valley Trails Specific Plan, which was never developed. (*Id.*)

5-4

The Project site is generally bounded on the north by the Southern California Edison utility corridor and Jurupa Avenue, on the west by the Jurupa Hills, on the south by residential properties located in the City of Jurupa Valley, and on the east by residential uses in the San Bernardino County area of Bloomington. (RDEIR, ES-2.) Single-family residential uses are located approximately 150 feet east of the eastern border of the Project site, and 250 feet south of the southern border, and 1,000 feet from the Project's northern border. Additionally, three elementary schools and a middle school are located at 1,700 ft., 1,900 feet, 2,400 feet, and 3,600 feet from the Project's borders.

The Project would include the construction of a warehouse facility comprising seven buildings consisting of a total of approximately 3,473,690 square feet on 212.1

<sup>2</sup> Dr. Smallwood's comments will be submitted in the near future.

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acres. (RDEIR, ES-2.) In addition, 14.9 acres of the Project site would include detention basins, 1.54 acres of existing utility corridor would remain unchanged, 55.2 acres would be retained in natural hillside open space, and 7.5 acres would consist of right-of-way dedications. (RDEIR, ES-2.)

5-4  
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## II. STANDING

LIUNA Local 783 has thousands of members who live in and around San Bernardino County. These members will suffer the air quality impacts, greenhouse gas, and health impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group or environmental group. Therefore, Local 783's members have a direct interest in ensuring that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible. *See Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198 (“unions have standing to litigate environmental claims”).

5-5

## III. LEGAL BACKGROUND

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances). (See, e.g., Pub. Res. Code § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.)

5-6

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See, *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental

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impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (PRC § 21081; CEQA Guidelines § 15092(b)(2)(A) and (B).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 391, 409, fn. 12 (1988).) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

5-6  
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A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”

(*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.)

#### IV. THE DEIR IMPROPERLY SEGMENTS THE PROJECT BY FAILING TO INCLUDE INFRASTRUCTURE AS PART OF THE PROJECT.

The “project” is “the whole of an action” directly undertaken, supported, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (PRC § 21065; CEQA Guidelines § 15378(a).) Under CEQA, “the term ‘project’ refers to the underlying activity and not the governmental approval process.” (*California Unions for Reliable Energy v. Mojave Desert Air Quality Mgmt. Dist.*, 178 Cal. App. 4th 1225, 1241 (2009) (quoting *Orinda Ass’n v. Bd. of Supervisors*, 182 Cal. App. 3d 1145, 1171-72 (1986)).)

5-7

The courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document].” (*County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977).) Thus, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences.” (*Bozung v. LAFCO*, 13 Cal.3d 263, 283-84 (1975); *City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1452 (1989).) Before undertaking a project, the lead agency must



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assess the environmental impacts of all reasonably foreseeable phases of a project and a public agency may not segment a large project into two or more smaller projects in order to mask serious environmental consequences. As the Court of Appeal stated:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, **covering the entire project, from start to finish**...the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.

5-7  
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(*Natural Resources Defense Council v. City of Los Angeles*, 103 Cal.App.4th 268 (2002) (emphasis added).)

In *County of Amador v. City of Plymouth*, 149 Cal. App. 4th 1089, 1095 (2007) an Indian tribe intended to build a large gaming development comprised of a hotel, restaurants, and bars, on land located in or adjacent to the city. The Court held that the construction of public works, including a city road to the casino hotel, constituted a project within the scope of CEQA. (*Id.* at 1100.) The Court cited to the CEQA Guideline § 15378(a)(1) which states that the following is included in the term "project": "public works construction and related activities, clearing or grading of land [and] improvements to existing public structures..." (*Id.* at 1100.)

5-8

Instead of including the water, sewer lines, and other required infrastructure described in the RDEIR as part of the Project, the RDEIR treats these infrastructure improvements as a separate project. The RDEIR does not analyze the environmental impacts of any of the public facilities and service improvements that are part of the Project. (See RDEIR, 3-8.)

In addition to water facilities, the Project also includes on- and off-site sewer facility upgrades. (*Id.*) The Project includes a new gravity main connection at Locust Avenue and 7th St. to connect with an existing gravity main in Santa Ana Ave, and off-site improvements on Linden Ave. and on 11th Street would be constructed, along with a new lift station at Linden Ave. (RDEIR, 3-8.)

5-9

The City is improperly chopping the Project into different segments, which is prohibited by CEQA because proper analysis of the whole Project is thwarted. Like the casino road in *County of Amador v. City of Plymouth*, the roads, water, and sewer lines that will serve the Project must be included as part of the Project and properly analyzed as part of the whole Project. The RDEIR's failure to address these portions of the Project violates CEQA's mandate that "[a]ll phases [and components] of a project must be considered when evaluating its impact on the environment." (CEQA Guidelines § 15126.) The RDEIR must be revised to include these Project features in the environmental analysis. This deficiency is particularly concerning since Commenters raised this issue in their comments on the DEIR.

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**V. THE DEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIAL SIGNIFICANT IMPACTS.**

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code § 21100(b)(1); 14 Cal.Code Regs. § 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354.) CEQA requires that an EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.)

CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)).

5-10

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370). Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.* at § 15126.4(a)(1)(B)). A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

**A. The RDEIR Fails to Adequately Analyze Air Quality Impacts**

**1. The RDEIR Improperly Relies on Air Emissions Tables for Project UNDER Five Acres in Size. Since the Project is over 291 Acres, Reliance on these Tables is Improper.**

5-11

The RDEIR relies on South Coast Air Quality Management District (“SCAQMD”) tables intended for Projects of less than five acres in size to conclude that no air dispersion modelling is required. (RDEIR 4.2.2-18). Since the proposed Project is over 290 acres in size, this approach is patently absurd.

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Environmental Scientists, Matthew Hagemann, C. Hg. and Jessie Jaeger of SWAPE, point out that the RDEIR's air quality analysis is fundamentally flawed because the EIR consultant relied on SCAQMD air quality emission "look-up" tables intended for projects of less than 5 acres in size. (SWAPE Comment letter, p.2, citing RDEIR p. 4.2.2-18). The proposed Project here at issue is over 291 acres in size. Therefore the air quality analysis is patently inadequate and legally insufficient.

The RDEIR contends that the SCAQMD 5- acre look-up tables can be used for "larger projects." (RDEIR p.4.2.2.-18). However, this conclusion directly contradicts the SCAQMD tables themselves. The SCAQMD's *Final Localized Significance Threshold Methodology*<sup>3</sup> states, "The staff proposal recommends using the LST mass rate look-up tables only for projects that are less than or equal to five acres," and continues on to recommend "that lead agencies perform project-specific air quality modeling for larger projects."<sup>4</sup> SCAQMD states that "large industrial projects...are beyond the scope of these LST lookup tables,"<sup>5</sup> and that proposed projects that do not fit the specified criteria (i.e. less than or equal to 5 acres) "should complete a site specific localized significance analysis."<sup>6</sup> Due to these limitations, the DEIR cannot determine significance of Project emissions on nearby sensitive receptors by solely utilizing LST lookup tables. A revised DEIR should be prepared to include a site-specific localized significance analysis.

5-11  
cont.

## **2. The RDEIR Fails to Disclose that the Project will have Significant Air Quality Impacts Related to Construction Emission.**

Mr. Hagemann and Ms. Jaeger point out that the RDEIR fails to properly calculate construction emissions. First, the RDEIR relies in part on the outdated CalEEMod v. 2011.1.1, rather than the current version v2013.2.1. (SWAPE Comment, p.3). The RDEIR vastly underestimates emissions from "Building Construction" and "Architectural Coating." (Id.). SWAPE also concludes that the RDEIR failed to properly calculate "peak daily emissions." (Id. p.4).

5-12

When these errors are corrected, the Project will have significant impacts for reactive organic gases (ROGs), nitrogen oxides (NOx), and carbon monoxide (CO) during the construction phase.

<sup>3</sup> <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>

<sup>4</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 1-1.

<sup>5</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-3.

<sup>6</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-4.

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Mitigated Construction (lbs/day)								
Phase	ROG	NOx	CO	SOx	Fugitive PM10	Exhaust PM10	Fugitive PM2.5	Exhaust PM2.5
Building Construction	38	246	582	0.92	55	6.7	14.8	6.3
Architectural Coating	66	11	71	0.12	9	0.6	2.4	0.6
<b>Peak Daily</b>	<b>104</b>	<b>257</b>	<b>654</b>	<b>1.04</b>	<b>71</b>		<b>24</b>	
<b>Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>		<b>55</b>	
<i>Exceeded?</i>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<i>No</i>	<i>No</i>		<i>No</i>	

5-12  
cont.

(SWAPE Comment p. 4)

Since the RDEIR fails to disclose these impacts, it also fails to propose feasible mitigation measures to reduce these impacts. SWAPE suggests numerous feasible mitigation measures that are not included in the RDEIR. (SWAPE Comment, p. 5-6).

A new revised DEIR is required to disclose, analyze and mitigate these air quality impacts.

**3. The RDEIR Fails to Disclose that the Project Will have Significant Toxic Air Contaminant Emissions from Diesel Exhaust that will Impact Nearby Residents.**

The RDEIR fails entirely to analyze toxic air contaminant (“TAC”) impacts on nearby residential communities related to diesel engine exhaust. (SWAPE Comment p. 7). The RDEIR concludes without analysis that TACs impacts will be less than 10 per million. (RDEIR p. 5.2-42). However, there is no health risk assessment to support this conclusion. (SWAPE Comment, p.7).

The 2012 guidance from the Office of Environmental Health Hazard Assessment (“OEHHA”), Revised Technical Support Document for Exposure Assessment and Stochastic Analysis, states that all short-term projects lasting more than two months should be evaluated for cancer risks to nearby sensitive receptors. (SWAPE p.8). The proposed Project will results in diesel construction exhaust for 783 days – far longer than 60 days. Furthermore, residences are located only 150 feet from the Project location. (4.2.2-6) Thus, the RDEIR is legally deficient for failing to conduct a TAC analysis for construction diesel emissions.

5-13

Using the methodology set forth in OEHHA guidance, SWAPE calculates that the Project would pose a significant cancer risk above SCAQMD CEQA significance threshold of 10 per million. (SWAPE Comment p.12). In particular, SWAPE calculates a child cancer risk of 15.5 per million and an infant cancer risk of 51.6 per million – more than five times the CEQA significance threshold. (Id.)

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The RDEIR is inadequate for failing to disclose this impact and for consequently failing to propose feasible mitigation measures to reduce the impact.

5-13  
 cont.

**B. The RDEIR is Deficient Because it Fails to Disclose that the Project has Significant Greenhouse Gas Impacts.**

The RDEIR is inadequate because it uses an improper “business as usual” (“BAU”) baseline for greenhouse gas (“GHG”) emissions. In other words, rather than comparing the proposed Project to the existing environment (which is undeveloped ground), the RDEIR compares the proposed Project to a hypothetical “business as usual” baseline that does not exist and which may never exist. The Courts have flatly rejected this approach and require that the proposed Project be compared to the actual conditions on the ground. (*Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711).

The proposed Project will generate over 35,000 metric tons of carbon dioxide equivalents (MTCO<sub>2e</sub>) per year. (4.2.6-36). This is far above the SCAQMD CEQA significance threshold of 10,000 MTCO<sub>2e</sub> per year. Therefore, the RDEIR is deficient for failing to disclose this impact for failing to impose all feasible mitigation measures to reduce GHGs.

5-14

When an impact exceeds a duly adopted CEQA significance threshold, as here, the lead agency must acknowledge the impact as significant, and must adopt all feasible mitigation measures and alternatives to reduce the impacts. *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (County applies BAAQMD’s “published CEQA quantitative criteria” and “threshold level of cumulative significance”). See also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 (“A ‘threshold of significance’ for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant”). The California Supreme Court made clear the substantial importance that a BAAQMD significance threshold plays in providing substantial evidence of a significant adverse impact. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 (“As the [South Coast Air Quality Management] District’s established significance threshold for NO<sub>x</sub> is 55 pounds per day, these estimates [of NO<sub>x</sub> emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact”).

The RDEIR erroneously concludes that the Project’s GHG impacts are less than significant (“LTS”) because they are allegedly less than a “business as usual” (“BAU”) baseline. The RDEIR utilizes this reduction percentage as a way to show compliance with GHG regulations (p. 4.2.6-29), and determines that the Project “would be consistent with applicable plans for GHG emissions reductions and impacts related to the conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs” and therefore would have a less than significant

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impact (p. 4.2.6-41). This level of significance is, of course, achieved by creating a BAU baseline; the DEIR defines the BAU scenario as the GHG emissions from the proposed Project if the Project were hypothetically built prior to AB-32-related emission restrictions beginning in 2006 (p. 4.2.6-29).

5-14  
 cont.

The RDEIR's analysis has been rejected under CEQA. The law is clear that the environmental "baseline" must be the existing environment. In other words, the Project must be compared to the existing environment – not a hypothetical environment that does not and may not ever exist. The existing environment at the Project site is bare dirt. Therefore the GHG CEQA baseline should be zero. Using this real world baseline, it is clear that the Project will have significant GHG impacts. This must be disclosed in the DEIS and all feasible mitigation measures and alternatives must be implemented.

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

"...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

5-15

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 ("Save Our Peninsula.") As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra*, 87 Cal.App.4th 99, 121-123.)

The Project will be constructed on a vacant lot. Thus, the "real condition on the ground" is a zero baseline. The EIR misleads the public into thinking the Project's emissions will be much lower by subtracting from the Project's emissions the maximum daily emissions that could be generated from a hypothetical project that does not exist. As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656.) Subtracting emissions from a project that does not even exist anymore "failed to adequately apprise all interested parties of the true scope and magnitude of the Project." (Id. at p.657.)

The EIR's error is similar to that in *Woodward Park Homeowners v. City of Fresno* ("Woodward") (2007) 150 Cal.App.4th 683, 708-711.) In that case, a developer proposed to build a shopping mall on a vacant lot. The EIR erroneously used as a

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baseline an office park that was previously approved for the parcel as the baseline, and subtracted the difference. The court held that the baseline should have been zero since the property was actually vacant. Using the non-zero baseline for the vacant parcel misled the public into thinking the proposed shopping mall's impacts would be much less than they would be when compared to the existing vacant parcel. See also, *Friends of Oroville v. City of Oroville*, 219 Cal. App. 4th 832, 844 (Cal. App. 3d Dist. 2013). The DEIS in this case makes the same error.

5-15  
 cont.

Climate scientist Jessie Jaeger and Matthew Hagemann, C. Hg. of expert consulting firm Soil, Water, Air Protection Enterprise (SWAPE), conclude that the Project's GHG emissions are far above applicable CEQA significance threshold. (SWAPE Comment, p.14).

5-16

A new Revised DEIR is required to disclose this impact, to calculate GHG emissions properly, and to propose all feasible mitigation measures to reduce GHGs.

**C. The DEIR Fails to Adequately Analyze Hazards and Hazardous Materials and Establishes an Erroneous Baseline.**

As discussed by SWAPE, the RDEIR skirts potentially significant impacts that may result from the Project by failing to look for them and failing establish a baseline supported by substantial evidence. (SWAPE Comment, p. 16-17). Specifically, the RDEIR fails to look for pesticide residues and other contaminants in soils at the site and potentially hazardous underground storage tanks.

The analysis of potential hazardous waste conditions in the RDEIR was based on the preparation of an April 2013 Phase I Environmental Site Assessment ("Phase I ESA"). Despite acknowledging that the Project site was formerly used for agricultural purposes for approximately 50 years, that DDT and other pesticides are likely present in the soil, and that DDT and other pesticides may cause cancer (App. C, 39-40), the City did not take any soil samples to determine if any hazardous residues remain in the soil.

5-17

The Project site was formerly used for agricultural purposes since 1953, and the majority of the Project site was used for vineyard production as recent as 2005. (DEIR App. C, 40.) The City admits that "there is a significant potential for agriculturally-related persistent compounds to exist within the soils. Such agriculturally related compounds typically contain residues of DDT derivatives or heavy metals from pesticides and fertilizers" and that DDT and other pesticides may cause cancer. (App. C, 39-40.) Indeed the Phase I ESA actually recommends a Phase II ESA, including soil testing of all areas of the Project site previously used for agricultural land uses. (DEIR, App. C, 43.) The City ignores all of this evidence and the recommendation of its own experts, and in doing so provides an incomplete baseline.

By failing to quantify the presence of persistent chemicals in the soil, the RDEIR fails to identify any baseline supported by substantial evidence from which to assess the

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significance of potential exposure to workers who may be exposed to contamination by touching soil or breathing the dust. Soil sampling and a Phase II ESA report must be prepared for the site and the DEIR revised to include a proper baseline of hazardous materials and exposure risks at the site, and if needed, appropriate mitigation measures must be included.

5-17  
 cont.

In addition to potential agricultural chemical residue, the City ignored other potentially hazardous risks located on the Project site. According to the Phase I ESA, “[t]wo possible vent pipes/transfer lines were noted during the site reconnaissance possible indicating the presence of a UST.” (RDEIR, App. C, 33.) The Phase I ESA recommends a Phase II to determine whether the vent pipes are associated with USTs, and if so, careful extraction under the supervision of a qualified hazmat professional. (RDEIR, App. C, 43.) The DEIR fails to establish an adequate baseline because it does not disclose whether USTs are present on site, and if so, the status of these USTs. A revised DEIR is required to disclose this important information.

5-18

The RDEIR proposes to build a project on a potentially contaminated site, and is attempting to avoid cleanup of the site by refusing to determine if the site is or is not contaminated. CEQA does not allow this. *CREED v. Chula Vista* (2011) 197 Cal. App. 4th 327. The RDEIR attempts to include a Phase II ESA study as a mitigation measure after Project approval. (RDEIR, HAZ-1). But this information is needed to establish an environmental setting for the EIR. It is not a mitigation measure.

The City should follow the recommendations made by its consultants in the Phase I ESA, including:

1. Phase II ESA soil testing in high-REC probability areas. These include: 1) within the detention basin in the vicinity of distressed vegetation, effluent streambed, and stained soil; 2) in the vicinity of parcels 1-3 and other parcels where troughs in the topography collect rainfall and ponding occurs or soil stains are evident; 3) areas formerly used for agricultural land use.
2. If the vent pipes within proposed Parcels 8 and 9 are associated with USTs, careful extraction under the supervision of a qualified hazardous professional is recommended.
3. A contractor licensed in the removal and remediation of hazardous materials should be used to remove all materials stored or disposed of onsite.
4. Imported soil must be removed from within the subject property. Sampling must be performed to assure it is free of contamination if soil is to be integrated within the site.
5. The municipal water supply must be utilized in the future development of the property.

5-19



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- 6. A more thorough investigation is warranted of historic Crestmore Disposal Site monitoring data to characterize the nature and extent of migratory VOCs and groundwater contamination and their potential impact on the proposed development.
- 7. Environmental investigation, sampling, and remediation should be conducted under a workplan as recommended by the CA DTSC; this must be overseen by the local regulatory agency that has jurisdiction to oversee hazardous substance cleanup.

5-19  
 cont.

(RDEIR, App. C, 43-44.) Without this information, the RDEIR fails to establish an adequate environmental setting for the Project. A revised EIR should be circulated to the public with this additional information, and any required mitigation.

During earthmoving activities, construction workers and the public may be exposed to Project site soils which may contain harmful levels of pesticide residuals associated with agricultural activities on the site, as well as other potentially hazardous residues on site including petroleum hydrocarbons. To protect worker safety, Project site soils must be sampled. Sampling results should be compared to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels<sup>7</sup> and California Human Health Screening Levels.<sup>8</sup>

5-20

Soil sampling results should also be evaluated for the protection of nearby residents, located 150 feet from the Project's eastern boundary and 250 feet from the southern boundary. Inhalation of pesticides has been linked to asthma in recent research.<sup>9,10</sup> A report prepared by the California Department of Health identifies pesticides as an asthma trigger.<sup>11</sup> Offsite receptors, including any children living in the neighboring residences, may be exposed to pesticide residuals via dust generated during Project construction.

5-21

Soil sampling and a Phase II ESA report should be prepared for the site and the DEIR revised to include a proper baseline of hazardous materials and exposure risks at the site, and if needed, appropriate mitigation measures must be included.

<sup>7</sup> <http://www.epa.gov/region9/superfund/prg/>

<sup>8</sup> <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

<sup>9</sup> <http://extension.psu.edu/ipm/resources/urbanphilly/partnerships/handouts/asthma-pests.pdf>

<sup>10</sup> <http://www.ncbi.nlm.nih.gov/pubmed/21368619>

<sup>11</sup> [http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan\\_5-5-08.pdf](http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan_5-5-08.pdf), p. 22

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**D. The RDEIR Fails to Disclose and Mitigate the Project's Significant Traffic Impacts.**

Traffic Engineer Tom Brohard, P.E., concludes that the RDEIR traffic analysis is incomplete and erroneous, and that the Project will have significant unmitigated impacts on traffic in the area. Mr. Brohard states:

The findings and conclusions of the TIA, upon which the Draft EIR relies, are based upon analyses of baseline data that is out of date. No evidence is presented that the traffic volumes counted in 2012 represent existing conditions or conditions that would occur on Opening Day for the Project. Other traffic volume data was obtained from outdated Caltrans publications in 2010 and in 2011. More current data from Caltrans is now available for conditions in 2013. Errors were found in taking data and calculation results from the TIA and then transposing information in the Draft EIR, making it impossible to determine which freeway segments are impacted and which are not impacted.

The Draft EIR proposes an ineffective Transportation Management Association which would not keep trucks out of the nearby residential neighborhoods. In addition, there are a number of conflicts between the Mitigation Measures listed in the Draft EIR and those identified in the TIA, specifically those that are required as part of the Project and those required as measures to mitigate direct significant impacts of the Project.

Based on the number of errors and conflicts both within the Draft EIR itself and with the TIA, these documents require significant revisions to accurately quantify and properly analyze the traffic and transportation aspects of the Proposed Project, and disclose to decision makers and the public all of the significant traffic and transportation impacts of the West Valley Logistics Center Project.

(Brohard Comment, p. 1).

Mr. Brohard points out that the RDEIR's traffic analysis is based on three-year old data. The Institute of Transportation Engineers, ITE, states "The characterization should represent current conditions (the information should be no more than 1 year old). These baseline data will provide a foundation for assessing the land use and transportation implications of changes over time." Page 21 further emphasizes the need for current data by stating "Unless these are locally preferred criteria to the contrary, traffic volume data should generally be no older than 1 year." (Brohard Comment, p. 2). By failing to use current traffic data, the RDEIR fails to describe the existing environment as the current CEQA baseline.

Mr. Brohard concludes that the RDEIR's traffic analysis is clearly erroneous for several nearby on and off ramps from I-10 freeway. (Brohard p. 4).

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Mr. Brohard concludes that the RDEIR relies on ineffective and unenforceable traffic mitigation measures, and that despite these measures, it is still likely that trucks from the Project will use residential streets. (Brohard, p. 5). Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement).

5-22  
 cont.

#### **E. The Project Will Have Significant Biological Impacts.**

Dr. Shawn Smallwood concludes that the Project will have significant impacts on several special status species. These comment echo earlier comments made by the California Department of Fish and Wildlife (DFW). The DFW comments are attached hereto. Dr. Smallwood's comments will be submitted in the near future.<sup>12</sup>

5-23

#### **VI. The RDEIR'S Discussion of Alternatives is Inadequate.**

The RDEIR identifies Alternative 5 (Reduced Intensity Logistics Center Alternative), as the environmentally superior alternative. (RDEIR 5-42). The RDEIR concludes that Alternative 5 would reduce impacts to aesthetics, air quality/GHG, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. (Id.). Nevertheless, the RDEIR fails to recommend adoption of Alternative 5 "Because Alternative 5 would involve a reduced development potential (a reduction of 30%), it would not meet project objectives related to jobs creation and economic development opportunities to the same extent as would the proposed project. In addition, Alternative 5 would result in substantially reduced public benefit payments to the City, and place the applicant in the position of having purchased a fully entitled development site and allowing for use of 70% of the site's approved development capacity, while eliminating no project-related significant unavoidable impacts." This rationale is insufficient under CEQA to reject the clearly superior Alternative 5. It is not sufficient that Alternative 5 would be less profitable than the proposed Project. Under CEQA, the City bears the burden to show that the environmentally superior alternative is infeasible – meaning that it cannot be implemented.

5-24

Here, the RDEIR's alternatives analysis violates CEQA because the RDEIR improperly dismisses the feasible and less environmentally damaging Reduced Office/Business Park alternative without substantial evidence. As explained by the

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<sup>12</sup> *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109.

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Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

5-24

(*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; see also, *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322.) None of this information was provided in the DEIR. The DEIR provides no analysis to show whether the environmentally superior Alternative 5 would or would not be economically feasible, and therefore, it cannot be rejected as infeasible. (*Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1087).

Additionally, the RDEIR entirely fails to mention an alternative location for the proposed Project. It is well-established that off-site alternatives should be considered under CEQA. As the Supreme Court has explained, an EIR is required to explain in detail why various alternatives were deemed infeasible, and should explore the potential to locate the project somewhere other than proposed. (*Laurel Heights I*, 47 Cal.3d at 404-406; *Goleta Valley*, 197 Cal.App.3d 1180-81.) This is particularly true when a project proposes to change a site's land use designation. "A proposed change in allowed uses raises policy question of whether the site is appropriate for the new use. Resolution of this question depends on a comparison of the advantages and disadvantages of the site with other sites that are or could be designated for the same use." (Practice Under the California Environmental Quality Act, 2nd ed., Kostka & Zischke, 759-760.)

5-25

Here, the RDEIR should consider an alternative location that is not within 1,000 feet of sensitive receptors. The California Air Resources Board ("CARB") recommends avoiding siting of distribution centers that accommodate more than 100 trucks per day within 1,000 feet of sensitive land uses, such as residences. (Air Quality and Land Use Handbook: A Community Health Perspective ["CARB Handbook"], California Air Resources Board, April 2005, 4.) This recommendation is based on CARB's estimate that an 80 percent drop-off in pollutant concentrations occurs at approximately 1,000 feet from a distribution center. (CARB Handbook, 6.) In contrast to the recommendations of CARB, the proposed Project is sited only 150 feet from sensitive receptors. (DEIR, 4.2.2-6.) The DEIR should consider an alternative site for the proposed Project that is more than 1,000 feet from sensitive receptors in order to greatly mitigate and potentially avoid these impacts to sensitive receptors.

5-26

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#### VII. THE CITY SHOULD PREPARE AND RECIRCULATE A REVISED DEIR.

Recirculation of an EIR prior to certification is required "when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal. App. 3d 1043; CEQA Guidelines § 15088.5(a).

5-27

Recirculation is required where "significant new information" has been added to an EIR. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447. New information is "significant" where it results in a change to the EIR's analysis or mitigation of a substantial adverse environmental effect. *Id.* Here, the DEIR must be revised to address the many deficiencies identified above.

Unless the DEIR is revised to address these deficiencies and unless that DEIR is recirculated for further public review, the public and decision makers will be deprived of an opportunity for full input and informed decision making.

#### VIII. CONCLUSION

LIUNA Local Union No. 783 believes the West Valley Logistics Center Specific is wholly inadequate and requires significant revision, recirculation and review. Moreover, LIUNA believes that the Project as proposed would result in too many unmitigated adverse impacts on the environment to be justified. Given the significant greenhouse gas and air quality problems facing the city and the State, and given that there is no evidence provided that an additional 3 million square feet of industrial space is needed, LIUNA believes the proposed Project should be reconsidered.

5-28


Please include this letter and all accompanying exhibits in the record of proceedings for this Project. Both these comments and the enclosed expert comments include documents available from the Internet. Where possible, the comments have included a citation to a specific Web page containing the cited document.

Thank you for your attention to these comments.

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Sincerely,



Richard Drury  
Lozeau Drury LLP

5-28  
cont.

# EXHIBIT A



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 Matt Hagemann, P.G., C.Hg.  
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February 6, 2015

Richard Drury  
 Lozeau | Drury LLP  
 410 12th Street, Suite 250  
 Oakland, CA 94607

**Subject: Comments on the West Valley Logistics Center Specific Plan**

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Dear Mr. Drury:

We have reviewed the December 2014 revised Draft Environmental Impact Report (DEIR) for the West Valley Logistics Center Specific Plan ("Project"). The 291-acre Project site is located in the southeastern portion of the City of Fontana, in the southwest "Valley Region" of San Bernardino County. The Project would allow for the development of industrial distribution warehouses, public facilities, and open space land uses.

Our review concludes that the DEIR fails to:

1. Apply the correct thresholds to determine the impacts of Project emissions;
2. Adequately mitigate construction and operational emissions;
3. Utilize the most up to date version of CalEEMod to model Project emissions;
4. Disclose and adequately mitigate potential impacts associated with pesticide application and use of a portion of the Project site as a landfill.

A revised DEIR should be prepared to disclose and adequately discuss these issues, and to identify mitigation measures, where necessary.

5-29



**Inadequate Evaluation of Project Air Quality Impacts to Appropriate Thresholds**

*Incorrect Comparison of Project Emissions to Localized Significance Thresholds*

The DEIR states that emissions from construction and operational activities will not expose sensitive receptors to substantial pollutant concentrations (AQ-4), and therefore “this impact would be less than significant” (p. 4.2.2-35). However, this conclusion is made by comparing on-site emissions to *Localized Significance Thresholds* (LSTs). This analysis is flawed for many reasons, and a revised DEIR should be prepared to include a corrected evaluation of determining Project significance.

According to the DEIR, in an effort “to avoid the need for every air quality analysis to perform air dispersion modeling, SCAQMD performed air dispersion modeling for a range of construction sites less than or equal to 5 acres in size and created look-up tables that correlate pollutant emissions rates with project size” (p. 4.2.2-18). The total acreage of the Project site, however, is equal to 291.31-acres (p. 3-1). The DEIR continues on to say that “these look-up tables can also be used as screening criteria for larger projects to determine whether or not dispersion modeling may be required” (p. 4.2.2-18). The idea that the LST look-up tables can be used for Projects larger than 5-acres is unsubstantiated, and actually contradicts what the SCAQMD’s *Final Localized Significance Threshold Methodology* recommends.<sup>1</sup> The document states, “The staff proposal recommends using the LST mass rate look-up tables only for projects that are less than or equal to five acres,” and continues on to recommend “that lead agencies perform project-specific air quality modeling for larger projects.”<sup>2</sup> SCAQMD states that “large industrial projects...are beyond the scope of these LST lookup tables,”<sup>3</sup> and that proposed projects that do not fit the specified criteria (i.e. less than or equal to 5 acres) “should complete a site specific localized significance analysis.”<sup>4</sup> Due to these limitations, the DEIR cannot determine significance of Project emissions on nearby sensitive receptors by solely utilizing LST lookup tables. A revised DEIR should be prepared to include a site specific localized significance analysis.

5-30

*Incorrect Comparison of Project Emissions to SCAQMD Significance Thresholds*

The DEIR also determines the significance of Project impacts by comparing criteria pollutant emissions to SCAQMD’s *Regional Air Quality Significance Thresholds* for construction and operational emissions.<sup>5</sup> Table 4.2.2-11 summarizes the mitigated short-term project construction emissions, and refers to Appendix F as the source of the listed values (p. 4.2.2-25). However, the values in the CalEEMod output tables located in Appendix F (p. 757) do not correspond with the values summarized in Table 4.2.2-11. Furthermore, our analysis indicates two fundamental flaws in the summarization of the emissions, which greatly underestimate the Project’s actual construction emissions: (1) the 2014 construction emissions for the “Building Construction” phase and the “Architectural Coating” phase are not compared to SCAQMD thresholds; and (2) the “Peak Daily” emissions are incorrectly calculated. A

5-31

<sup>1</sup> <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>

<sup>2</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 1-1.

<sup>3</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-3.

<sup>4</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-4.

<sup>5</sup> <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

revised DEIR should be prepared to include a proper evaluation between the appropriate significance thresholds and the Project’s true construction emissions.

As stated previously, Table 4.2.2-11 suggests that the source of the summarized values can be found in Appendix F. However, this is not the case. The only numbers in the Appendix F CalEEMod output tables that match the summarized values are the ROG emissions. The note at the bottom of Table 4.2.2-11 allowed us to gain some sort of idea on the source of the other values; it states “CalEEMod v2013.2.1 does not calculate the off-site worker ROG emissions correctly; the off-site worker ROG emissions reported above are from the CalEEMod v2011.1.1 analysis” (p. 4.2.2-25). The air modeling output tables found in Appendix F utilize version 2011.1.1 of CalEEMod, which is an old version of the software. The air modeling output tables found in Appendix I: “Greenhouse Gas Emissions and Global Climate Change Study”, however, utilize CalEEMod version 2013.2.1. Therefore, our next step in determining the origin of these values within Table 4.2.2-11 was to analyze the CalEEMod output tables in Appendix I.

5-31  
cont.

Most of the maximum daily emissions given in the Appendix I output tables match the summarized values in Table 4.2.2-11 (Appendix I, p. 2248). However, our analysis indicates a fundamental flaw in the summarization of the emissions, which greatly underestimates the estimated construction emissions modeled in CalEEMod v2013.2.1. Table 4.2.2-11 (see excerpt below), breaks down each construction phase, and calculates the off-site and on-site emissions from each phase.

**Table 4.2.2-11. Short-Term Project Construction Emissions—with Mitigation**

Construction Phase	Total Regional Pollutant Emissions, lbs/day							
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	Fugitive PM <sub>10</sub>	Exhaust PM <sub>10</sub>	Fugitive PM <sub>2.5</sub>	Exhaust PM <sub>2.5</sub>
Site Preparation	4.1	20	25	0.042	7.2	0.96	3.9	0.96
Grading	5.3	30	40	0.065	3.6	1.3	1.5	1.3
Building Construction	20	130	310	0.48	27	3.8	7.4	3.6
Architectural Coating	33	6.1	38	0.06	4.5	0.32	1.2	0.31
Paving	3.0	11	18	0.024	0.17	0.6	0.045	0.6
Peak Daily	54	140	350	0.54	36		13	
SCAQMD Thresholds	75	100	550	150	150		55	
Significant Emissions?	No	Yes	No	No	No		No	

The “Site Preparation” construction phase, the “Grading” phase, and the “Paving” phase, are all correctly calculated. However, the “Building Construction” phase and the “Architectural Coating” phase are greatly underestimated. Based on our analysis, it seems as if only one year of emissions from each of these construction phases was included in the calculation. As you can see in the table below, the construction activities taking place in 2014, for both of these phases, was not included in Table 4.2.2-11. As a result, the construction emissions were underestimated.

5-32

Mitigated Construction (lbs/day)								
Phase	ROG*	NOx	CO	SOx	Fugitive PM10	Exhaust PM10	Fugitive PM2.5	Exhaust PM2.5
Site Preparation - 2013	4.1	20	25	0.042	7.2	0.96	3.9	0.96
Grading - 2013	5.3	30	40	0.065	3.6	1.3	1.5	1.3
Building Construction - 2013	20	130	310	0.48	27	3.8	7.4	3.6
Building Construction - 2014	18	116	272	0.43	27	2.9	7.4	2.7
Architectural Coating - 2013	33	6.1	38	0.06	4.5	0.32	1.2	0.31
Architectural Coating - 2014	33	5.4	34	0.06	4.5	0.29	1.2	0.28
Paving - 2014	3.0	11	18	0.024	0.17	0.6	0.045	0.6

5-32  
cont.

\* ROG numbers taken from CalEEMod.2011.1.1

The second major flaw we identified involves the method used to calculate the “Peak Daily” emissions. The note at the bottom of the table states “Peak daily emissions are based on a worse-case assumption that the Building Construction and Architectural Coating phases would overlap” (p. 4.2.2-25). When analyzing the peak daily emissions, it is apparent that these values were calculated by simply adding the 2013 emissions from these two phases together, excluding the cumulative impact of the 2014 emissions. This calculation is incorrect and greatly underestimates the construction emissions. The Building Construction and Architectural Coating phases are modeled in CalEEMod as occurring concurrently, and are anticipated to both start in Spring of 2013 and end in Summer of 2014 (Appendix I, p. 2256). Therefore, the 2014 emissions should be accounted for when determining the peak daily emissions. If the DEIR were to include 2014 values for the building construction and coating phases, ROG and CO emissions would exceed thresholds (see table below).

5-33

Mitigated Construction (lbs/day)								
Phase	ROG	NOx	CO	SOx	Fugitive PM10	Exhaust PM10	Fugitive PM2.5	Exhaust PM2.5
Building Construction	38	246	582	0.92	55	6.7	14.8	6.3
Architectural Coating	66	11	71	0.12	9	0.6	2.4	0.6
<b>Peak Daily</b>	<b>104</b>	<b>257</b>	<b>654</b>	<b>1.04</b>	<b>71</b>		<b>24</b>	
<b>Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>		<b>55</b>	
<i>Exceeded?</i>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<i>No</i>	<i>No</i>		<i>No</i>	

Since the 2014 levels were not included in this comparison, the calculated emissions were below thresholds, and the true construction emissions were underestimated; as a result, necessary mitigation measures were not implemented. According to SCAQMD, if Project construction emissions exceed any of the thresholds listed above, the project should be considered significant.<sup>6</sup>

<sup>6</sup> SCAQMD CEQA Handbook, Chapter 6 (SCAQMD, 1993).

#### Air Emissions from Construction Activities Inadequately Mitigated

The DEIR admits that mitigated construction-source Project NOx emissions would be in exceedance of SCAQMD regional thresholds, and would result in a significant and unavoidable impact (p. ES-11). The DEIR states that “with feasible mitigation, NOx emissions can be reduced, but not below SCAQMD’s NOx threshold...” and that “impacts related to NOx emissions...” would be “significant and unavoidable” (p. 4.2.2-26). Despite this claim, additional commonly used mitigation is available. Furthermore, as described in the previous section, if the true construction emissions were correctly compared to the applicable thresholds, ROG and CO emissions would also be in exceedance and would be deemed significant. A revised DEIR should be prepared to identify additional mitigation.

Additional mitigation measures can be found in CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce Greenhouse Gas (GHG) levels, as well as reduce Criteria Air Pollutants such as NOx, ROG, and CO.<sup>7</sup>

NOx is a byproduct of fuel combustion, and according to the DEIR, NOx emissions are due to the large number of haul trucks (p. 4.2.2-25). Mitigation for criteria pollutant emissions should include consideration of the following measures that are proposed in CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*, in an effort to reduce NOx, ROG, and CO construction emissions to below SCAQMD thresholds.

- Increase density. Designing the Project with increased densities, where allowed by the General Plan and/or Zoning Ordinance reduces emissions associated with traffic in several ways. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. This strategy also provides a foundation for implementation of many other strategies which would benefit from increased densities. For example, transit ridership increases with density, which justifies enhanced transit service. Implementation of this mitigation measure would reduce mobile source NOx, ROG, and CO running emissions by 1.5 to 30 percent.
- Increase location efficiency. This measure is not intended as a separate strategy but rather a documentation of empirical data to justify the “cap” for all land use/location strategies. The location of the Project relative to the type of urban landscape such as being located in an urban area, infill, or suburban center influences the amount of vehicle miles traveled (VMT) compared to the statewide average. This is referred to as the location of efficiency since there are synergistic benefits to these urban landscapes. Implementation of this mitigation measure would reduce mobile source NOx, ROG, and CO running emissions by 10 to 65 percent.
- Reduce VMT by increasing destination accessibility. The project will be located in an area with high accessibility to destinations. Implementation of this mitigation measure would reduce mobile source NOx, ROG, and CO running emissions by 6.7 to 20 percent.
- Reduce VMT by increasing transit accessibility. The use of transit results in a mode shift and therefore reduced VMT. Implementation of this mitigation measure would reduce mobile

5-34

<sup>7</sup> <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

source NOx, ROG, and CO running emissions by 0.5 to 24.6 percent. The Project would need to include, at a minimum, the following design features:

- A transit station/stop with high-quality, high-frequency bus service located within a five to ten minute walk, or roughly a quarter of a mile from stop to edge of development,
  - Or a rail station located within a 20 minute walk or roughly half a mile from station edge to development;
  - Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations;
  - Neighborhood designed for walking and bicycling.
- Orient Project toward non-auto corridor. A project that is designed around an existing or planned transit, bicycle, or pedestrian corridor encourages alternative mode use. For this measure, the project is oriented towards a planned or existing transit, bicycle, or pedestrian corridor. Setback distance is minimized. This measure is most effective when applied in combination of multiple design elements that encourage this use. There is not sufficient evidence that this measure results in non-negligible trip reduction unless combined with measures described elsewhere in this report, including neighborhood design, density and diversity of development, transit accessibility and pedestrian and bicycle network improvements.
  - Reduce VMT by locating the Project near a bike path/lane. A Project that is designed around an existing or planned bicycle facility encourages alternative mode use. This measure is most effective when applied in combination of multiple design elements that encourage this use, such as the previously mentioned land use strategy (LUT-4). This measure should be grouped with the Increase Destination Accessibility strategy to increase the opportunities for multi-modal travel.
  - Reduce VMT by including improved design elements to enhance walkability and connectivity. Improved street network characteristics is measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments. Implementation of this mitigation measure would reduce mobile source NOx, ROG, and CO running emissions by 3.0 to 21.3 percent.
  - Provide Traffic Calming Measures. Providing traffic calming measures encourages people to walk or bike instead of using a vehicle. This mode shift will result in a decrease in VMT. Project design will include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways will be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others. Implementation of this mitigation measure would reduce mobile source NOx, ROG, and CO running emissions by 0.25 to 1.00 percent.

5-34  
cont.

- Encourage Telecommuting and Alternative Work Schedules. Encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks. Implementation of this mitigation measure would reduce mobile source NOx, ROG, and CO running emissions by 0.07 to 5.50 percent.
- Reduce VMT by limiting the parking supply. This mitigation measure will change parking requirements and types of supply within the Project site to encourage “smart growth” development and alternative transportation choices by project residents and employees. Implementation of this mitigation measure would result in a reduction of mobile source NOx, ROG, and CO running emissions by 5 to 12.5 percent. This will be accomplished in a multi-faceted strategy:
  - Elimination (or reduction) of minimum parking requirements
  - Creation of maximum parking requirements
  - Provision of shared parking

5-34  
cont.

These measures are more stringent and prescriptive than those measures identified in the DEIR, and provide many simple design features, that when combined together, optimize VMT reductions and thus reduce NOx, ROG, and CO emissions. The addition of these new measures (listed above), incorporated with the mitigation measures already in place, will reduce the total criteria pollutant emissions, potentially to a level that does not exceed the SCAQMD thresholds. A revised DEIR should be prepared to include additional mitigation measures, as well as include an updated air quality assessment to ensure that the necessary mitigation measures are implemented to reduce construction emissions to below SCAQMD thresholds.

#### Diesel Particulate Matter Emissions Inadequately Evaluated

The Air Quality assessment in the DEIR does not satisfy the South Coast Air Quality Management District (SCAQMD, or the “District”) CEQA requirements for determining whether the Project will expose sensitive receptors to substantial pollutant concentrations. The DEIR did not examine concentrations of hazardous air pollutants or Toxic Air Contaminants (TACs) that will be generated by construction of the proposed Project. The omission of this analysis is contradictory to the guidelines set forth by the SCAQMD, and our review of estimated Project construction emissions of diesel particulate matter (DPM) determined that significant air quality impacts may be generated through the use of diesel-fueled construction equipment on-site.

5-35

The DEIR suggests that the proposed Project will not emit carcinogenic or TACs that exceed the maximum individual cancer risk of 10 in 1 million (p.5.2-42). The DEIR states that short term Project-related emission impacts would be less than significant (p. 4.2.2-36). However, they do not actually quantify this health risk, and seemingly come to this conclusion with no thorough analysis of the potential risk to nearby sensitive receptors. It should be noted that the DEIR refers to values summarized in Table 4.2.2-16 for the short term carcinogenic risk to nearby sensitive receptors; however, this table summarizes the long-term risk levels for project operations (p. 4.2.2-37). It does not include the short term risk due to construction emissions.

This determination is in contrast to the most recent guidance published by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations for health risk assessments in California. In 2012, OEHHA released a Revised Technical Support Document for Exposure Assessment and Stochastic Analysis, which describes the types of projects that warrant the preparation of a health risk assessment. Construction of the Project will produce emissions of DPM, a human carcinogen, through the exhaust stacks of construction equipment for approximately 783 days, assuming the Building Construction and Architectural Coating phases do not overlap (p. 4.2.2-12). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.<sup>8</sup> This recommendation reflects the most recent health risk assessment policy, which will be integrated into the new OEHHA Guidance Manual for the Preparation of Risk Assessments to be released sometime early in 2015. As such, an assessment of health risks to nearby residential receptors from Project construction should be included in a revised CEQA evaluation for the Project.

5-35

As of 2011, the United States Environmental Protection Agency (USEPA) recommends AERSCREEN as the leading air dispersion model, due to improvements in simulating local meteorological conditions based on simple input parameters.<sup>9</sup> The model replaced SCREEN3, which is included in OEHHA<sup>10</sup> and CAPCOA<sup>11</sup> guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (HRSA). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary health risk screening assessment (HRSA) of the Project's construction emissions for the most conservative "Combined Scenario". CEQA requires the use of "conservative analysis" to afford the "fullest possible protection of the environment."<sup>12</sup> Furthermore, SCAQMD CEQA Air Quality Handbook recommends "utilizing the highest daily emissions" when assessing the potential health risks of a Project.<sup>13</sup> Estimates of Project construction emissions were calculated using CalEEMod. As previously mentioned, the emissions calculated in Appendix F with CalEEMod version 2011.1.1 were not utilized to determine construction-emissions significance. Therefore, this preliminary HRSA will be calculated using the output tables found in Appendix I which used CalEEMod version 2013.2.1 (See Section "Incorrect Comparison of Project Emissions to SCAQMD Significance Thresholds").

5-36

The CalEEMod maximum daily emissions indicate that mitigated construction activities will generate approximately 3,323 pounds of DPM over a 457 day construction period. The construction schedule in

<sup>8</sup> [http://www.oehha.ca.gov/air/hot\\_spots/pdf/2012tsd/Chapter11\\_2012.pdf](http://www.oehha.ca.gov/air/hot_spots/pdf/2012tsd/Chapter11_2012.pdf)

<sup>9</sup> [http://www.epa.gov/ttn/scram/guidance/clarification/20110411\\_AERSCREEN\\_Release\\_Memo.pdf](http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf)

<sup>10</sup> [http://oehha.ca.gov/air/hot\\_spots/pdf/HRAguidefinal.pdf](http://oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf)

<sup>11</sup> [http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA\\_HRA\\_LU\\_Guidelines\\_8-6-09.pdf](http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf)

<sup>12</sup> [http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc\\_6-19-2014.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2)

<sup>13</sup> <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/risk-assessment-procedures-v-7.pdf?sfvrsn=4>

the CalEEMod files specifies that construction will occur over 457 work days, starting from January 2, 2013 and ending October 1, 2014. An excerpt of the construction schedule is shown below.

**Construction Phase**

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	1/2/2013	1/15/2013	5	10	
2	Grading	Grading	1/16/2013	3/18/2013	5	44	
3	Building Construction	Building Construction	3/19/2013	7/31/2014	5	358	
4	Architectural Coating	Architectural Coating	5/1/2013	7/31/2014	5	307	
5	Paving	Paving	8/1/2014	10/1/2014	5	44	

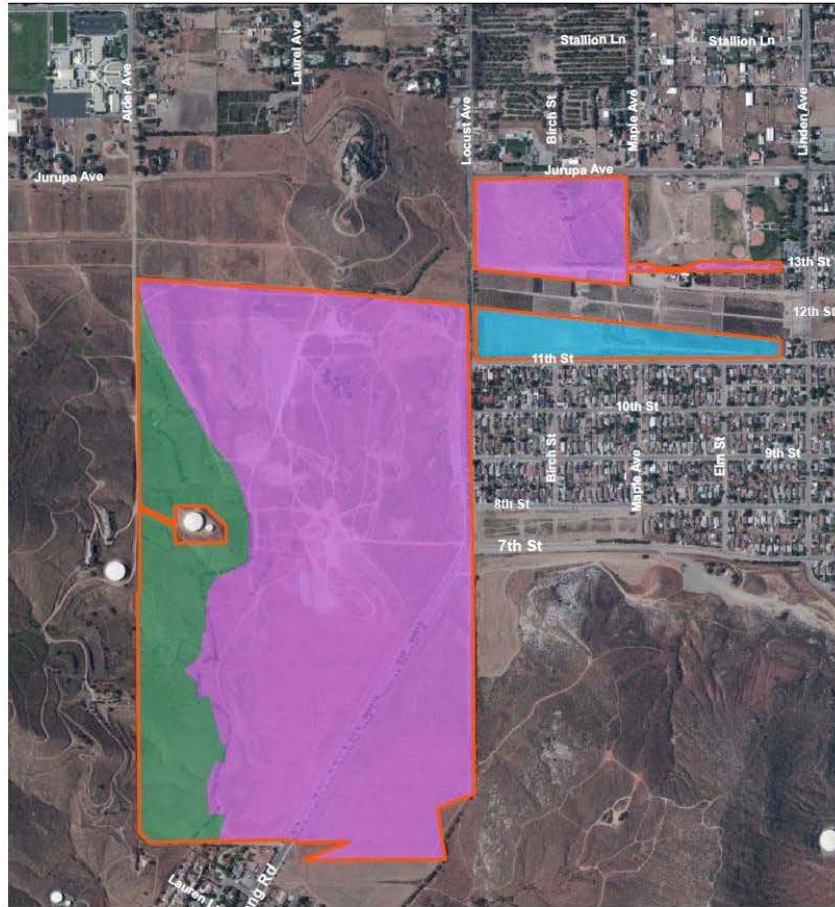
The AERSCREEN model relies on a continuous average emission rate to simulate maximum downwind concentrations from point, area, and volume emission sources. To account for the variability in construction equipment usage over the phases of Project construction, we calculated an average DPM emission rate over the anticipated construction duration by the following equation.

5-36  
cont.

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{3,323.76\ lbs}{457\ days} \times \frac{453.6\ grams}{lb} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3,600\ seconds} \approx 0.038\ g/s$$

Construction activity was simulated as a rectangular area source in AERSCREEN, as shown in the image below (DEIR, Project Description, pp. 5). For simplicity purposes, only Planning Area 1 (i.e. the largest rectangular parcel) was included in this calculation. Furthermore, the only acreage within this planning area that was taken into account was the light industrial areas, highlighted in pink. According to the DEIR, the light industrial development on Planning Area 1 will make up approximately 191.87 acres (p. 3-5). Therefore, the dimensions used in AERSCREEN were 1,130 meters by 680 meters, which is equal to 190 acres. A release height of three meters was selected to represent the height of exhaust stacks on construction equipment, and an initial vertical dimension of 1.5 meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.





5-37

According to the DEIR, there are roughly ten sensitive receptors that surround the Project Site. The two closest sensitive receptors to the site include residents across Locust Avenue, located approximately 45 meters (150 feet) from the Project's eastern boundary, and residences along Armstrong Road, located approximately 75 meters (250 feet) from the Project's southern boundary (p. 4.2.2-6). Table 4.2.2-1 summarizes the nearby sensitive receptors (see excerpt below).

**Table 4.2.2-1. Sensitive Land Uses in the Project Vicinity**

Description	Location	Approximate Distance from Project Site
Residences	Across Locust Ave.	150 ft. from project's eastern boundary
Residences	Along Armstrong Rd.	250 ft. from project's southern boundary
Residences	Along Alder, Laurel and Locust Ave.	1,000 ft. from project's northern boundary
Walter Zimmerman Elementary School	11050 Linden Ave.	1,700 ft. from project's northern boundary
Ruth O. Harris Middle School	11150 Alder Ave.	1,900 ft. from project's northern boundary
Crestmore Elementary School	18870 Jurupa Ave.	2,400 ft. from project's eastern boundary
Sycamore Hills Elementary School	11036 Mahogany Dr.	3,600 ft. from project's northern boundary
Bloomington High School	10750 Laurel St.	3,700 ft. from project's northern boundary
St. Charles Catholic Church	11342 Spruce Ave.	4,100 ft. from project's eastern boundary
Mt Rubidoux Convalescent	6401 33rd St.	7,800 ft. from project's southern boundary

5-37  
cont.

The AERSCREEN model generated maximum reasonable estimates of single-hour downwind DPM concentrations from the Project site. USEPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant may be estimated by multiplying the single-hour concentration by 10%.<sup>14</sup> The maximum single-hour downwind concentration in the AERSCREEN output was approximately 2.90 µg/m<sup>3</sup> DPM 50 meters downwind, a distance that is most representative of the sensitive receptor locations at 45 meters, and was approximately 2.94 µg/m<sup>3</sup> DPM 75 meters downwind, a distance that is most representative of the sensitive receptor locations at 75 meters. The annualized average concentrations for the sensitive receptors were estimated to be 0.29 µg/m<sup>3</sup>, and 0.294 µg/m<sup>3</sup>, respectively.

5-38

We calculated excess cancer risks for each sensitive receptor location, for adults, children, and infant receptors using applicable HRA methodologies prescribed by OEHHA. OEHHA recommends the use of Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.<sup>15</sup> According to the revised guidance, quantified cancer risk should be multiplied by a factor of ten during the first two years of life (infant), and by a factor of three for the subsequent fourteen years of life (child aged two until sixteen). The results of our calculations are shown below.

<sup>14</sup> [http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019\\_OCR.pdf](http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf)

<sup>15</sup> [http://oehha.ca.gov/air/hot\\_spots/pdf/2012tsd/Chapter11\\_2012.pdf](http://oehha.ca.gov/air/hot_spots/pdf/2012tsd/Chapter11_2012.pdf)

Cancer Risk for Sensitive Receptor Located 45 m from Project Site					
Parameter	Description	Units	Adult Exposure	Child	Infant
Cair	Concentration	ug/m3	0.29	0.29	0.29
DBR	Daily breathing rate	L/kg-day	302	581	581
EF	Exposure Frequency	days/year	561	561	561
ED	Exposure Duration	years	1.25	1.25	1.25
AT	Averaging Time	days	25550	25550	25550
	Inhaled Dose	(mg/kg-day)	2.4E-06	4.6E-06	4.6E-06
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1	1.1
ASF	Age Sensitivity Factor	-	1	3	10
	<b>Cancer Risk</b>		<b>2.64E-06</b>	<b>1.53E-05</b>	<b>5.09E-05</b>

Cancer Risk for Sensitive Receptor Located 75 m from Project Site					
Parameter	Description	Units	Adult Exposure	Child	Infant
Cair	Concentration	ug/m3	0.294	0.294	0.294
DBR	Daily breathing rate	L/kg-day	302	581	581
EF	Exposure Frequency	days/year	561	561	561
ED	Exposure Duration	years	1.25	1.25	1.25
AT	Averaging Time	days	25550	25550	25550
	Inhaled Dose	(mg/kg-day)	2.4E-06	4.7E-06	4.7E-06
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1	1.1
ASF	Age Sensitivity Factor	-	1	3	10
	<b>Cancer Risk</b>		<b>2.68E-06</b>	<b>1.55E-05</b>	<b>5.16E-05</b>

5-38  
cont.

The excess cancer risk to adults, children, and infants during Project construction for the sensitive receptors 50 meters away are 2.64, 15.3, and 50.9 in one million, respectively. The excess cancer risk to adults, children, and infants during Project construction for the sensitive receptors 75 meters away are 2.68, 15.5, and 51.6 in one million, respectively. Consistent with OEHHA guidance, exposure was assumed to begin in the infantile stage of life to provide the most conservative estimate of air quality hazards.

The infantile and child exposure for the sensitive receptors exceed the SCAQM District threshold of 10 in one million. A refined health risk assessment should be prepared to examine air quality impacts generated by Project construction using site-specific meteorology and specific equipment usage schedules. Our calculations demonstrate that the Project poses a significant health risk due to DPM emissions. Therefore, an updated DEIR should be completed and adequate mitigation measures should be proposed for the Project.

### Greenhouse Gas Emissions: Analysis Relies on Incorrect Baseline

The DEIR, in an effort to comply with AB 32 and establish a Project baseline, compares the Project's GHG emissions to a business as usual (BAU) scenario. However, the DEIR's definition of a BAU scenario for the Project site is inaccurate, and the comparison utilized to achieve compliance with AB 32 results in inflated baseline emissions, and overstates the proposed Project's presumed benefits and compliance measures. A revised DEIR needs to identify an acceptable method of reaching compliance with AB 32, and needs to determine an alternative threshold to compare Project emissions to.

The 2008 Scoping Plan indicates that statewide AB 32 compliance would be achieved provided that there was a minimum 15 percent reduction in BAU GHG emissions for 1990 levels.<sup>16</sup> The DEIR utilizes this reduction percentage as a way to show compliance with GHG regulations (p. 4.2.6-29), and determines that the Project "would be consistent with applicable plans for GHG emissions reductions and impacts related to the conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs" and therefore would have a less than significant impact (p. 4.2.6-41). This level of significance is, of course, achieved by creating a BAU baseline; the DEIR defines the BAU scenario as the GHG emissions from the proposed Project if the Project were hypothetically built prior to AB-32-related emission restrictions beginning in 2006 (p. 4.2.6-29).

5-39

But this is an improper baseline that does not exist because the site is currently a vacant lot of land. Utilizing hypothetical Project emissions as a BAU scenario is not consistent with the CARB definition of BAU. CARB defines BAU in their Scoping Plan as emission levels that would occur if existing conditions in California continued to grow and add new GHG emissions, but did not adopt any measures to reduce emissions.<sup>17</sup> Utilizing this definition, a BAU scenario at the proposed Project site would be the actual, existing GHG emissions. This would result in the comparison of the Project GHG emissions to a vacant lot of land and to the surrounding communities, which would show non-compliance with AB 32.

Furthermore, on July 1, 2013, the Governor's Office of Planning and Research (OPR) and the Natural Resources Agency discussed possible updates to the CEQA Guidelines.<sup>18</sup> Section 15064.4, "Determining the Significance of Impacts from Greenhouse Gas Emissions", discusses the role of the BAU scenario as a way to show compliance with GHG thresholds, and attempts to clarify the difference between a valid BAU scenario and an unrealistic one. With respect to the Friends of Northern San Jacinto,<sup>19</sup> the "trial court rejected the comparison to a "hypothetical" worse-case BAU scenario that was highly unrealistic." Another trial court also found that the BAU methodology improperly relied on a hypothetical baseline.<sup>20</sup> According to OPR, "the BAU scenario is not a baseline. The baseline remains actual, existing GHG emissions prior to the Project. As with any other type of impact, Project emissions are compared to the existing emissions baseline." The document continues on to state that the "BAU emissions scenario is

<sup>16</sup> <http://www.arb.ca.gov/cc/ab32/ab32.htm>

<sup>17</sup> [http://www.arb.ca.gov/cc/scopingplan/2013\\_update/first\\_update\\_climate\\_change\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf)

<sup>18</sup> [http://www.opr.ca.gov/docs/Cal\\_Chamber\\_2014\\_CEQA\\_Guidelines\\_Update\\_%282-13-14%29.pdf](http://www.opr.ca.gov/docs/Cal_Chamber_2014_CEQA_Guidelines_Update_%282-13-14%29.pdf)

<sup>19</sup> *Friends of Northern San Jacinto Valley v. County of Riverside*, Riverside County Sup. Ct., Case No. RIC10007572 (2012)

<sup>20</sup> *Center for Biological Diversity v. Dept. of Fish and Wildlife*, Los Angeles Sup. Ct., Case No. BS131347 (2012)

simply an intermediate step in determining the significance threshold...as such, it is incorrect to equate the BAU-based significance threshold with an improper hypothetical baseline.”

5-39  
cont.

Comparing the proposed Project emissions to a realistic BAU scenario would ultimately result in non-compliance with AB 32. To determine whether the Project’s GHG emissions are significant, methods that have been proposed in other recent CEQA documents should be utilized and included in a revised DEIR.<sup>21</sup> For example, the Commerce Retail Center Project determines significance by utilizing the SCAQMD draft local agency tiered threshold (Commerce DEIR p.3.2-62). The threshold is as follows:

5-40

- Tier 1: The project is not exempt under CEQA; go to Tier 2.
- Tier 2: There is no GHG reduction plan applicable to the project; go to Tier 3.
- Tier 3: Project GHG emissions compared with the threshold: 10,000 MTCO<sub>2e</sub> per year.
- Tier 4, Option 1: Reduce GHG emissions from business as usual by 28.4 percent. The California 2020 emissions target is 427 MMTCO<sub>2e</sub> and the 2020 baseline (without any AB 32 related regulations) is 596 MMTCO<sub>2e</sub>. Therefore, a 28.4 percent reduction is required to reduce emissions to the target.<sup>22</sup>

The Project DEIR utilizes Tier 4, Option 1 to achieve compliance with AB 32 for operational emissions; however, this analysis is inaccurate because, as explained above, the BAU scenario defined in the DEIR is not consistent with the CARB and OPR BAU criteria. Furthermore, establishing a BAU scenario at this site would be difficult because it is currently undeveloped. Therefore, the best approach to show compliance with AB 32 would be to compare emissions to the Tier 3 threshold of 10,000 MTCO<sub>2e</sub> per year. Table 4.2.6-13 in the DEIR shows that the Project’s Operational GHG emissions would be equal to 35,100 MTCO<sub>2e</sub> per year (p. 4.2.6-36). Operational GHG emissions would exceed the 10,000 MTCO<sub>2e</sub> per year threshold for industrial Projects. Therefore this Project will have significant GHG impacts that must be better characterized and mitigated.

5-41

Because GHG emissions are significant when compared to the Tier 3 threshold, the Applicant should obtain emission reduction credits, also referred to as carbon offsets, to serve as mitigation and reduce the Project’s emissions to a less than significant level. Offsets are specifically mentioned by the California Resources Agency as a measure to mitigate the significant effects of greenhouse gas emissions.<sup>23</sup> Offsets should be identified in a revised DEIR for the Project. Verification that the offsets are real and measureable, such as those available from the California Climate Action Registry’s Climate Action Reserve<sup>24</sup>, should be provided in the revised DEIR.

5-42

The DEIR does not attempt to mitigate construction and operational GHG emissions to the fullest extent possible, because emissions comply with GHG reduction regulations (AB 32) by comparing Project emissions to a BAU scenario, as previously described. However, because the assumptions made to meet compliance are incorrect, additional mitigation measures should be implemented to reduce GHG

<sup>21</sup> <http://ca-commerce.civicplus.com/DocumentCenter/View/1875>

<sup>22</sup> [http://www.arb.ca.gov/cc/inventory/archive/sp\\_2008\\_projection.pdf](http://www.arb.ca.gov/cc/inventory/archive/sp_2008_projection.pdf)

<sup>23</sup> [http://ceres.ca.gov/ceqa/docs/Adopted\\_and\\_Transmitted\\_Text\\_of\\_SB97\\_CEQA\\_Guidelines\\_Amendments.pdf](http://ceres.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97_CEQA_Guidelines_Amendments.pdf), p.21

<sup>24</sup> <http://www.climateregistry.org/reserve.html>

emissions to below the Tier 3 threshold for industrial Projects of 10,000 MTCO<sub>2</sub>e per year. It should be noted that some of the Criteria Pollutant mitigation measures, mentioned above, have the potential to reduce GHG emissions, as well. Therefore, this list of additional mitigation measures should be compared to the mitigation measures already implemented in the DEIR; a summary of the mitigation measures implemented can be found in Table ES-1 of the DEIR (p. ES-9). Additional mitigation measures that could be implemented to reduce GHG emissions include, but are not limited to, the following:<sup>25</sup>

- Use passive solar design, such as:<sup>26,27</sup>
  - Orient buildings and incorporate landscaping to maximize passive solar; heating during cool seasons, and minimize solar heat gain during hot seasons; and
  - Enhance natural ventilation by taking advantage of prevailing winds.
- Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
- Develop and follow a “green streets guide” that requires:
  - Use of minimal amounts of concrete and asphalt;
  - Installation of permeable pavement to allow for storm water infiltration; and
  - Use of groundcovers rather than pavement to reduce heat reflection.<sup>28</sup>
- Implement Project design features such as:
  - Shade HVAC equipment from direct sunlight;
  - Install high-albedo white thermoplastic polyolefin roof membrane;
  - Install high-efficiency HVAC with hot-gas reheat;
  - Install formaldehyde-free insulation; and
  - Use recycled-content gypsum board.
- Provide education on energy efficiency to residents, customers, and/or tenants. Provide information on energy management services for large energy users.
- Meet “reach” goals for building energy efficiency and renewable energy use.
- Install solar, wind, and geothermal power systems and solar hot water heaters.
- Install solar panels on unused roof and ground space, and over carports and parking areas. Locations where solar systems cannot feasibly be incorporated into the Project at the outset, build “solar ready” structures.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.
- Use CARB-certified or electric landscaping equipment in project and tenant operations; and introduce electric lawn, and garden equipment exchange program.
- Install an infiltration ditch to provide an opportunity for 100% of the storm water to infiltrate on-site.

5-42  
cont.

<sup>25</sup> [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)

<sup>26</sup> Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.

<sup>27</sup> Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.

<sup>28</sup> See Irvine Sustainable Travelways “Green Street” Guidelines; [www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934](http://www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934); and Cool Houston Plan; [www.harc.edu/Projects/CoolHouston](http://www.harc.edu/Projects/CoolHouston).

Hazards and Hazardous Waste: Inadequate Evaluation and Mitigation of Potential Chemical Contamination | 5-42 cont.

*Pesticide Potential Inadequately Evaluated and Mitigated*

The Project site is potentially contaminated with pesticides applied during agricultural operations, including use as a vineyard, from the early 1950s to 2005 (p. 4.2.7-4). A Phase I Environmental Site Assessment, prepared in support of the DEIR and included as Appendix C, concluded (p. 40):

... there is a significant potential for agriculturally-related, persistent compounds to exist within the soils. Such agriculturally related compounds typically contain residues of DDT derivatives or heavy metals from pesticides and fertilizers.

5-43

As mitigation, the DEIR provides for soil sampling to test for pesticides but only after Project approval. Mitigation Measure GEO-1 calls for soil testing to be undertaken (p. 4.2.7-22):

to confirm the findings of previous studies for the Valley Trails Specific Plan EIR indicating an absence of contamination from previous pesticide use on site, as well as to confirm the absence of asbestos and lead-based paint in the remnant construction debris on site. The soils testing shall include applicable testing procedures pursuant to the directives of, and subject to review by, the County Division of Environmental Health.

The DEIR also calls for a Phase II ESA to be conducted under Mitigation Measure HAZ-1 for County review and approval, but only prior to the review of design drawings that will be submitted when the first building is to be constructed.

This mitigation is inadequate for two reasons:

- 1) Because the Project site has a history of agricultural use that pre-dates the phase out of DDT usage, sampling should be undertaken prior to EIR certification under a supplemental investigation. The results of the investigation should be included in a revised DEIR, including analytical results and comparison of the results to environmental screening levels that are protective of human health. The need to sample is critical for adequate disclosure of conditions that may pose a risk to worker safety and to the safety of residents that live adjacent to the project. The workers involved in construction may contact pesticide-contaminated soil through dermal contact and through inhalation and ingestion. Nearby residents, some as close as 150 feet, may breathe pesticide-contaminated dust.
- 2) Sampling to determine if pesticide contamination would pose risks to workers and to residents is also necessary now to determine if soil removal is necessary and to identify the impacts of soil removal, including truck trips that would be necessary, the landfill that would receive the contaminated soil, and impacts from the excavation activities and any mitigation that may be necessary for a soil removal action, including fence-line dust monitoring and respiratory protection for workers involved in excavation.

5-44

*Other Potential Contaminants Inadequately Evaluated and Mitigated*

The Phase II ESA identified additional areas of potential contamination and recommended sampling in areas, including (p. 43):

- Areas of distressed vegetation within a detention basin and effluent stream bed;
- Areas of stained soil;
- Features associated with potential underground storage tanks;
- Contamination associated with the Former Class III Crestmore Landfill.

Mitigation Measure HAZ-1 provides for a Phase II ESA to sample in these areas, but only prior to the submittal of design drawings for the first building to be constructed.

5-45

To ensure adequate disclosure and to identify appropriate mitigation, including cleanup measures, sampling is necessary now. The results of the sampling should be included in a revised DEIR along with any mitigation measure that are necessary for protection of health and the environment.

**Conclusions**

Our review shows that the DEIR fails to adequately show Project compliance to applicable SCAQMD thresholds, by making unsubstantiated assumptions, which result in an underestimation of emissions. Additionally, the DEIR fails to adequately mitigate construction and operational criteria pollutant emissions. The DEIR does not analyze the potential health risk that DPM, released by heavy duty construction equipment, would have to nearby sensitive receptors. The DEIR does not correctly establish a business as usual (BAU) baseline, and as a result, does not correctly assess the significance of or properly mitigate Project greenhouse gas (GHG) emissions. The DEIR also fails to disclose impacts from chemicals that may be present in Project site soils from past agricultural use and from use as a landfill. A revised DEIR should be prepared to disclose and adequately discuss these issues and to identify mitigation measures, where necessary.

5-46

Sincerely,



Matt Hagemann, P.G., C.Hg.



Jessie Jaeger





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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization**  
**Industrial Stormwater Compliance**  
**Investigation and Remediation Strategies**  
**Litigation Support and Testifying Expert**  
**CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.  
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certification:**

California Professional Geologist  
California Certified Hydrogeologist  
Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 – 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

**Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

**Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

**Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

**Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

**Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.



**JESSIE MARIE JAEGER**

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Los Angeles CA, 90049

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***SUMMARY***

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Innovative, energetic, driven, and a results oriented leader, with proven success producing quality results in research, student government, and academia. A recipient of the UCLA Bruin Advantage Scholarship, Dean's List honoree, and a leader amongst peers, who uses ambition and passion to effectively develop the skills needed to assess and solve major environmental and conservation issues.

Skills include:

- Execution of Laboratory Techniques (DNA extraction, Tissue Cataloging etc.)
- Understanding of Statistical Models used in Ecology and Conservation Biology
- Experience with programs such as Excel, Microsoft Access, QuickBooks, ArcGIS, AERMOD, CalEEMod, AERSCREEN, and ENVI
- Knowledge of California policies and municipal codes
- Experience in Field Work, including capture of Amphibian species and water sampling within Ballona Watershed
- Steering Committee Coordination and Working Group Management
- Organizational Skills
- Effective Communication Abilities
- Customer Service Experience

***PROFESSIONAL EXPERIENCE***

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**SOIL WATER AIR PROTECTION ENTERPRISE, SANTA MONICA, CA**      **2014 – Present**  
**SWAPE Technical Consultation, Data Analysis, and Litigation Support**

**Project Analyst**

**<http://www.swape.com/staff/jessie-jaeger/>**

Maintain and update national public water system database through use of Microsoft Excel and Access. Other responsibilities include cancer risk assessment calculations, in depth research of environmental issues such as fracking, Leaking Underground Storage Tanks (LUST) and their associated funding programs, groundwater contamination, Proposition 65 formaldehyde test methods, polychlorinated biphenyl (PCB) contamination within schools, and environmental modeling using AERMOD, CalEEMod, AERSCREEN, and ArcGIS.

- Expert understanding of Microsoft Excel and Access, with the ability to manipulate, analyze, and manage large sets of data. Expertise include the creation of queries via Access, utilization of Pivot Tables and statistical functions within Excel, and proficiency in formatting large datasets for use in final reports.
- Mastery of modeling programs such as CalEEMod, AERSCREEN, ArcGIS, as well as the ability to prepare datasets for use within these programs. For example, the conversion of addresses into geographical coordinates through the utilization of Geocode programs.
- Experience in the composition and compilation of final analytical reports and presentations, with proficiency in technical writing, organization of data, and creation of compelling graphics.
- Knowledge of federal and California EPA policies, such as CEQA, accepted methods, and reporting limits, as well as experience with city and county personnel and municipal codes.

**UCLA H. BRADLEY SHAFFER LAB, LOS ANGELES, CA****2012 – 2014****Undergraduate Research Assistant**

Responsible for phylogenetic prioritization within the Turtles of the World project (TOTW). Methods include obtaining 2-3 tissue samples of every species of turtle on earth, and sequencing them for ~20 independent genes. The results of the TOTW project are being used to create a phylogenetic tree of as many currently existing turtle species as possible. This will allow evolutionary biologists and herpetologists to better understand how turtle taxa are interrelated, and will aid in efforts to conserve threatened turtle species.

- Expert understanding of laboratory techniques, including the amplification of DNA through the method of polymerase chain reactions (PCR), extraction of DNA from tissue, cataloging of tissue samples etc.
- Proficiency in programs such as Excel, Google Earth, and Specify.
- Mastery of laboratory equipment usage, including but not limited to, Thermocyclers, Centrifuges, Nanodrop Machines, Autoclave Devices, and Vortexes.
- Experience in fieldwork, including capture of salamander, turtle, and newt specimens to add to the Shaffer Lab tissue database.

**LOS ANGELES REGIONAL COLLABORATIVE, LOS ANGELES, CA****2011-2012****Climate Action and Sustainability, Institute of the Environment, UCLA****Work Group and Event Manager**

Responsibility for organization of steering committee meetings, as well as for the organization of the working groups within the collaborative. Maintaining and updating the website, as well as sending out weekly newsletters on behalf of the Collaborative to its members.

- Organized the first Solar Planning working group within the steering committee, which consisted of representatives from universities, government agencies, and private sectors within LA County.
- Coordinated monthly steering committee meetings as well as assisted in the organization of Quarterly Meetings and Sustainability Forums.
- Managed membership, weekly newsletters, website updates, general assistance, and clerical duties.

**UNDERGRADUATE STUDENTS ASSOCIATION COUNCIL, UCLA****2012-2013****Academic Wellness Director, Academic Affairs Commissioner (2013)****Student Groups Support Committee Member, Internal Vice President (2012)**

USAC's programs offer an invaluable service to the campus and surrounding communities by providing an opportunity for thousands of students to participate in and benefit from these services. Two to three thousand undergraduates participate annually in the more than 20 outreach programs.

- Directed the organization of academic campus programs that provide tools and resources to manage the academic rigors experienced by university students.
- Oversight control of and responsibility for the Academic Wellness committee and all its members.
- Created a Universal Funding application for student groups that facilitates the process of requesting funds to support philanthropic activities.

**EDUCATION****Bachelor of Science, Environmental Science****Minor in Conservation Biology****Senior Project, Ballona Watershed Phytoplankton and Water Quality Assessment**

University of California Los Angeles, Los Angeles, CA

**High School Diploma****Valedictorian, June 2010**

Pioneer High School, Woodland, CA

**ACCOMPLISHMENTS**

**Recipient**, Bruins Advantage Scholarship, 2010-2014

**Academic Honoree**, Dean's List, 2013-2014

**Life Member**, National Honor Society & California Scholarship Federation, 2006-2010

**Valedictorian**, Pioneer High School, 2010

# EXHIBIT B

# Tom Brohard and Associates

February 9, 2015

Mr. Richard Drury, Attorney at Law  
Lozeau Drury LLP  
410 12<sup>th</sup> Street, Suite 250  
Oakland, CA 94607

**SUBJECT: Review of the West Valley Logistics Center Specific Plan Draft Environmental Impact Report in the City of Fontana - Traffic Comments**

Dear Mr. Drury:

At your request, I have reviewed the transportation and traffic portions of the April 2014 Draft Environmental Impact Report (Draft EIR) for the West Valley Logistics Center Specific Plan prepared for the City of Fontana by ICF International. Specifically, my review focused on the following sections of the Draft EIR:

5-47

- Chapter 2 – Environmental Setting
- Chapter 3 – Project Description
- Chapter 4.2.14 – Environmental Analysis – Transportation and Traffic
- Appendix L – August 5, 2013 Draft Traffic Impact Analysis (TIA) prepared by LSA Associates

The findings and conclusions of the TIA, upon which the Draft EIR relies, are based upon analyses of baseline data that is out of date. No evidence is presented that the traffic volumes counted in 2012 represent existing conditions or conditions that would occur on Opening Day for the Project. Other traffic volume data was obtained from outdated Caltrans publications in 2010 and in 2011. More current data from Caltrans is now available for conditions in 2013. Errors were found in taking data and calculation results from the TIA and then transposing information in the Draft EIR, making it impossible to determine which freeway segments are impacted and which are not impacted.

5-48

The Draft EIR proposes an ineffective Transportation Management Association which would not keep trucks out of the nearby residential neighborhoods. In addition, there are a number of conflicts between the Mitigation Measures listed in the Draft EIR and those identified in the TIA, specifically those that are required as part of the Project and those required as measures to mitigate direct significant impacts of the Project.

Based on the number of errors and conflicts both within the Draft EIR itself and with the TIA, these documents require significant revisions to accurately quantify and properly analyze the traffic and transportation aspects of the Proposed Project, and disclose to decision makers and the public all of the significant traffic and transportation impacts of the West Valley Logistics Center Project.

*81905 Mountain View Lane, La Quinta, California 92253-7611  
Phone (760) 398-8885 Fax (760) 398-8897  
Email tbrohard@earthlink.net*

**Mr. Richard Drury**  
**West Valley Logistics Center Specific Plan Draft EIR – Traffic Comments**  
**February 9, 2015**

**Education and Experience**

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 45 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii, and licensed as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the Cities of Big Bear Lake and San Fernando. I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed many environmental documents and traffic studies, with only a few of these shown on the enclosed resume.

5-49

**Draft EIR for the West Valley Logistics Center Specific Plan Is Flawed**

The following sections describe the various errors, omissions, and deficiencies in the transportation and traffic portions of the April 2014 Draft EIR in detail:

- 1) Baseline Traffic Counts Are Outdated for Existing Conditions – Findings and conclusions of the TIA are based upon analyses of outdated baseline data that was collected in February 2012 for the various intersections evaluated.

Page 9 of the TIA states “Existing traffic volumes are based on peak hour intersection turn movement counts collected by National Data and Surveying Services in February 2012.” These turning movement counts are now three years old and do not provide a current baseline upon which to properly evaluate the Project.

5-50

In conducting traffic impact analyses for development projects, agencies typically follow accepted traffic engineering and transportation planning principles promulgated by the Institute of Transportation Engineers, ITE. In regard to documenting existing conditions, Page 13 of Transportation Impact Analyses for Site Development published by ITE states “The characterization should represent current conditions (the information should be no more than 1 year old). These baseline data will provide a foundation for assessing the land use and transportation implications of changes over time.” Page 21 further emphasizes the need for current data by stating “Unless these are locally preferred criteria to the contrary, traffic volume data should generally be no older than 1 year.”

The TIA did not determine if the three year old traffic count data properly reflects current volumes at the 32 existing intersections that have been studied. Without such validations, the three year old data cannot be assumed to represent the current traffic volumes and the existing baseline. New traffic counts are required at each of the 32 intersections to study and evaluate

**Mr. Richard Drury**  
**West Valley Logistics Center Specific Plan Draft EIR – Traffic Comments**  
**February 9, 2015**

- |   |                       |
|---|-----------------------|
| <p>“Existing” and “Existing plus Project” conditions as required by CEQA, the California Environmental Quality Act.</p>   | <p>5-50<br/>cont.</p> |
| <p>2) <u>Factored Baseline Counts Are Also Outdated for Opening Day Conditions</u> – The new traffic counts must also be used as a starting point in the evaluation of near term conditions, potentially significant traffic impacts, and required mitigation measures on Opening Day of the Project.</p> <p>Page 10 of the TIA states “To develop year 2014 background traffic volumes, 8.6 percent (or 2/23) of the total modeled 2012-2035 growth at each intersection was added to the existing 2012 counts, since it is two years from 2012 to 2014, and 23 years from 2012 to 2035.”</p> <p>To properly evaluate conditions under near term conditions on Opening Day, it is necessary to factor current 2015 traffic volumes to those which would occur in two years in 2017. The TIA erroneously factored the 2012 traffic counts to 2014 which was assumed as Opening Day in the TIA. To properly develop baseline conditions at Opening Day, 2017 background traffic volumes must be developed by adding 10.0 percent (or 2/20) of the total modeled 2015-2035 growth at each intersection to the new 2015 counts, since it is two years from 2015 to 2017, and 20 years from 2015 to 2035.</p> | <p>5-51</p>           |
| <p>3) <u>Caltrans Traffic Volumes Are Also Outdated</u> – The TIA uses AADT (average annual daily traffic) published by Caltrans for Year 2011 and truck volumes published by Caltrans in 2010. This information is now four years old and five years old respectively, and does not represent current traffic volumes on State Highway and Freeways in the area. Current data from 2013 for AADT and for trucks has been published by Caltrans. This two year old traffic volume and truck count data must be used in a revised and updated traffic analysis of existing and Opening Day conditions.</p>   | <p>5-52</p>           |
| <p>4) <u>Freeway Mainline Segment Analyses Are Flawed</u> – Table 4.2.14-10 in the Draft EIR on Page 4.2.14-28 and 4.2.14-29 contain a number of obvious errors in the traffic volumes for the Existing and the Existing plus Project conditions for Freeway Segments 5, 27, and 30 as follows:</p> <p>a) <u>Segment 5 – I-10 Eastbound from Sierra Avenue On-Ramp to Cedar Avenue Off-Ramp</u> – For Existing volumes without the Project, 4,699 AM peak hour trips with an LOS of “B” are reported. The table then shows adding 10,076 Project only trips in the AM peak hour with a resulting LOS of “B”. Adding 10,076 Project only trips to this I-10 Freeway segment is not possible as that volume is nearly 18 times greater than the total of 575 AM peak hour trips generated by the entire Proposed Project.</p>   | <p>5-53</p>           |

**Mr. Richard Drury**  
**West Valley Logistics Center Specific Plan Draft EIR – Traffic Comments**  
**February 9, 2015**

- b) Segment 5 – I-10 Eastbound from Sierra Avenue On-Ramp to Cedar Avenue Off-Ramp – For Existing volumes without the Project, 37 PM peak hour trips with an LOS of “F” are reported (there are thousands of existing PM peak hour trips on this freeway segment). The table then shows 24 Project only trips in the PM peak hour with an LOS of “F”. The PM peak hour volume and the corresponding LOS on this segment reported in the table are obviously incorrect.
- c) Segment 27 – I-10 Westbound between Sierra Avenue Ramps – For Existing volumes without the Project, 9,906 AM peak hour trips with an LOS of “F” are reported. The table then shows 5,204 Project only trips in the AM peak hour with an LOS of “F”. Adding 5,204 Project only trips to this I-10 Freeway segment is not possible as that volume is more than 8 times greater than the total of 621 PM peak hour trips generated by the entire Proposed Project.
- d) Segment 27 – I-10 Westbound between Sierra Avenue Ramps – For Existing volumes without the Project, 0 PM peak hour trips with an LOS of “C” are reported (there are thousands of existing PM peak hour trips on this freeway segment). The table then shows 40 Project only trips in the PM peak hour with an LOS of “C”. The PM peak hour volume and the corresponding LOS on this segment reported in the table are obviously incorrect.
- e) Segment 30 – I-10 Westbound Cedar Avenue On-Ramp – For Existing volumes without the Project, 1,124 AM peak hour trips with an LOS of “F” are reported. The table then shows 827 Project only trips in the AM peak hour with an LOS of “F”. Adding 827 Project only trips to this I-10 Freeway Ramp is not possible as that volume is more than 1.5 times greater than the total of 575 AM peak hour trips generated by the entire Proposed Project.
- f) Segment 30 – I-10 Westbound Cedar Avenue On-Ramp – For Existing volumes without the Project, 22 PM peak hour trips with an LOS of “C” are reported (there are hundreds of existing PM peak hour trips on this freeway on-ramp). The table then shows 40 Project only trips in the PM peak hour with an LOS of “C”. The PM peak hour volume and the corresponding LOS on this segment reported in the table are obviously incorrect.

5-53  
cont.

Obvious and apparent errors in Table 4.2.14-10 in the Draft EIR make it impossible to determine which freeway segments and which ramps are significantly impacted by the Proposed Project and which are not impacted. These errors must be corrected so that the significant traffic impacts of the Proposed Project can then be properly determined and mitigated as required.

**Mr. Richard Drury**  
**West Valley Logistics Center Specific Plan Draft EIR – Traffic Comments**  
**February 9, 2015**

- 5) Transportation Management Association Measure Is Flawed – Page 3-22 of the Draft EIR identifies “Other Environmental Considerations” including a Transportation Management Association which is planned to include the following items:
- “A Transportation Management Association (TMA) shall guide project traffic to the regional transportation network and away from residential streets.
  - The TMA would create a tenant-based system and set of regulations for monitoring and providing feedback for vehicles, specifically including truck traffic, entering and exiting the development.
  - Driveway channelization and truck route designations shall be incorporated.
  - Entry drives shall be clearly marked by special features, including enhanced paving, landscaping features, decorative walls, and signage, to promote safety and to increase the visibility of driveway intersections.”

5-54

Without weight limits and continuing enforcement, trucks could and would still use residential streets in the area to reach the regional transportation system and vice versa, particularly if these residential streets are a part of a shorter and more direct route.

- 6) Street Improvements and Mitigation Measures Are Inconsistent – In a number of instances, there are conflicts between the TIA and the Draft EIR for specific mitigation measures and in the timing of their implementation. Street improvements identified in Table 4.2.14-11 have different project limits for the widening as well as different cross-sections (half street improvements or full width improvements).

Table 4.2.14-11 on Page 4.2.14-31 identifies roadway and intersection improvements to be installed by the Applicant to mitigate direct impacts of the Proposed Project. A number of major inconsistencies and discrepancies were found between this table and other sections of the Draft EIR as follows:

- a) Jurupa Avenue Improvements – The table describes the extent of the proposed improvements as “Widening between Locust Avenue and Maple Avenue along the Project frontage.”

5-55

In conflict with this statement, the Phasing Plan on Page 3-10 of the Project Description indicates that the Project will widen Jurupa Avenue from Locust Avenue to Cedar Avenue (a significantly longer street segment and it does not limit the improvements to only a portion of Jurupa Avenue such as only half of the street across the project frontage).

As an additional conflict with Table 4.2.14-11, the Phasing Plan on Page 3-10 indicates the Proposed Project will construct improvements on



**Mr. Richard Drury  
West Valley Logistics Center Specific Plan Draft EIR – Traffic Comments  
February 9, 2015**

Jurupa Avenue from Tamarind Avenue to Alder Avenue (an additional street segment to the west of the Proposed Project.)

- b) Jurupa Avenue at Cedar Avenue – The Phasing Plan on Page 3-10 indicates the Proposed Project will install a traffic signal on Jurupa Avenue at Cedar Avenue. Table 4.2.14-11 does not include this as a Mitigation Measure.
- c) Jurupa Avenue at Locust Avenue - Page 4.2.14-32 of the Draft EIR calls for the installation of a traffic signal on Jurupa Avenue at Locust Avenue but this Mitigation Measure is not included in Table 4.2.14-11. To add to the confusion, Page 74 of the TIA indicates that a multi-way STOP is to be installed at this intersection rather than a traffic signal.

5-55  
cont.

The Mitigation Measures for direct impacts shown in Table 4.2.14-11 are inconsistent with what is shown as part of the overall Phasing Plan for the Proposed Project, and must be revised so that the various improvements are constructed in a timely manner.

In sum, the April 2014 Draft EIR for the West Valley Logistics Center Specific Plan contains many errors and conflicts. As a result, the Draft EIR and TIA fail to adequately evaluate the potentially significant impacts of the project and will require a significant amount of additional study to address and resolve. In sum, a revised Draft EIR including an updated Traffic Impact Analysis must be prepared for the Proposed Project. If you should have any questions regarding these findings, please contact me at your convenience.

5-56

Respectfully submitted,

**Tom Brohard and Associates**



Tom Brohard, PE  
Principal

Enclosure



**Tom Brohard, PE**

---

- Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577  
 1977 / Professional Engineer / California – Traffic, No. 724  
 2006 / Professional Engineer / Hawaii – Civil, No. 12321
- Education:** 1969 / BSE / Civil Engineering / Duke University
- Experience:** 45 Years
- Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life  
 1978 / Orange County Traffic Engineers Council - Chair 1982-1983  
 1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. Since May 2005, he has served as Consulting City Traffic Engineer for the City of Indio. He also currently provides “on call” Traffic and Transportation Engineer services to the Cities of Big Bear Lake, San Fernando, and Tustin. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower ..... 1997 - 1998
- Bell Gardens..... 1982 - 1995
- Huntington Beach..... 1998 - 2004
- Lawndale ..... 1973 - 1978
- Los Alamitos..... 1981 - 1982
- Oceanside ..... 1981 - 1982
- Paramount..... 1982 - 1988
- Rancho Palos Verdes..... 1973 - 1978
- Rolling Hills..... 1973 - 1978, 1985 - 1993
- Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- San Marcos ..... 1981
- Santa Ana ..... 1978 - 1981
- Westlake Village ..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$5 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

**Tom Brohard and Associates**

***Tom Brohard, PE, Page 2***

In his service to the City of Indio since May 2005, Tom has accomplished the following:

- ❖ Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of both \$2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.
- ❖ Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's \$65 million I-10 Interchange Improvement Project at Jefferson Street.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 50 traffic signal installations and modifications.
- ❖ Reviewed and approved over 1,000 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City wide traffic safety study of conditions at all schools.
- ❖ Obtained \$47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.
- ❖ Prepared over 800 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 300 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 35 major projects and special events including the Coachella and Stagecoach Music Festivals.
- ❖ Developed and implemented the City's Golf Cart Transportation Program.

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.

**Tom Brohard and Associates**

# EXHIBIT C



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

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



June 5, 2014

Mr. Orlando Hernandez  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

Subject: Draft Environmental Impact Report  
West Valley Logistics Center Specific Plan  
State Clearinghouse No. 2012071058

Dear Mr. Hernandez:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the West Valley Logistics Center Specific Plan Project (project) [State Clearinghouse No. 2012071058]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project encompasses an area of approximately 291 acres located east and west of Locust Avenue, east and west of Armstrong Road, and immediately east of the Jurupa Hills and west of Rattlesnake Mountain, in the City of Fontana, County of San Bernardino. The project proposes an industrial business park development on 212.1 acres, a 14.9 acre detention basin, 1.54 acres of existing utility corridor, 7.5 acres of right-of-way dedications, and 55.23 acres of open space. As stated in the Executive Summary of the DEIR (page ES-18), "The project site is currently the only open space connecting the native Riversidean Sage Scrub (RSS) habitats in the Jurupa Hills and Rattlesnake Mountain. Under the current project design, the proposed project would permanently sever potential wildlife movement (including restricting movement of California Gnatcatcher) between the Jurupa Hills and Rattlesnake Mountain."

The Department has concerns regarding the sufficiency and completeness of the DEIR. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). As mentioned, the Department

*Conserving California's Wildlife Since 1870*

Draft Environmental Impact Report  
West Valley Logistics Center Specific Plan  
SCH No. 2012071058  
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is a trustee agency with responsibility under CEQA for commenting on projects that could affect fish and wildlife resources (CEQA Guidelines Section 15386). As a trustee agency, the Department reviews and comments on environmental documents and impacts arising from project activities, as those terms are used under CEQA (Fish and Game Code section 1802). In order for the Department to complete its review of the DEIR and provide substantive comments on project-related impacts to public trust fish, wildlife, native plants and habitat resources, the Biological Resources section of the Environmental Impact Analysis needs to be revised (an in-depth discussion follows below).

The DEIR should state each threshold and include a factually based explanation as to why project impacts will result in no effect or effects that are less than significant, less than significant with mitigation, or significant with feasible mitigation. This explanation should be derived from the project description, which informs project impacts, and environmental setting, which identifies sensitive biological resources that may be impacted. The Department requests that the revised DEIR address the following:

Nesting Birds

It is the Lead Agency's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) prohibit the take of all birds and their nests. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Mitigation Measure BIO-2 states that for the purposes of the DEIR, the avian nesting season includes "...February 1 through August 31". Please note that some species of raptors (e.g., owls) may commence nesting activities in January. The Department encourages the Lead Agency to complete nesting bird surveys regardless of time of year to ensure compliance with all applicable laws related to nesting birds and birds of prey. Surveys should not be limited to trees and shrubs, as not all bird species nest in vegetation; some species nest directly on the ground.

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#### Proposed Preserved Lands

Mitigation Measure BIO-4 states that fencing will be installed along the western limits of disturbance to prevent unauthorized access into the preserved areas. The Department requests that the Lead Agency ensure that none of the materials proposed to be used will pose an entanglement risk to wildlife.

Mitigation Measure BIO-5 states that a "...permanent fence or barrier shall be erected along the western limits of disturbance to protect the 44.8 acres of RSS on the project site," and that "coordination with a qualified biologist shall occur for the fence design to ensure the fence will not restrict movement of mammals." However, Mitigation Measure BIO-6 also states that "The fence shall consist of a 6-foot-tall chain link fence..." The use of "shall" leads the Department to conclude that the fence design has already been selected. If this is the case, the DEIR needs to include a discussion of the barrier effect that this type of fence will pose to wildlife movement.

Mitigation Measure BIO-6 states that management of the 44.8 acres of RSS "shall be provided by the project applicant to ensure protection of RSS habitat in perpetuity," however, the Department was unable to find a description of a preservation mechanism (e.g., conservation easement) in the DEIR. Please clarify if the 44.8 acres will be protected in-perpetuity through the recordation of a conservation easement.

The Department is concerned regarding the following statement, included in Mitigation Measure BIO 6: "Initial payments towards the development and implementation of a habitat management program and area management shall be provided by the project applicant to ensure protection of RSS habitat in perpetuity. Such payments shall continue to be the responsibility of the project applicant until the property management company is established and can assume such payment responsibility." To ensure access to funds for the management and protection of the 44.8 acre area in-perpetuity, the Department recommends that the Lead Agency require the funding of an endowment with sufficient capital to cover all of the restoration and management funding needs in-perpetuity. Allowing "payments towards the development and implementation of a habitat management program and area management" will not ensure the in-perpetuity management of the area, particularly if the "property management company" is unable to make these payments. The Department recommends that a Property Analysis Record (PAR), or substantially equivalent analysis, be used to determine the restoration, conservation, and long-term management needs and costs, which then will be used to calculate the amount of capital needed for the endowment.

The Department requests that the DEIR include an in-depth discussion of the proposed preservation area. The discussion should include information on the following: how the areas will be conserved (e.g., conservation easement); whether long-term management funds will be made available for the areas; whether the areas will include any man-made slopes, flood control structures or roads; if any portion of the area will require

Draft Environmental Impact Report  
West Valley Logistics Center Specific Plan  
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flood control operations or maintenance; and where the fuel modification areas for the development will be situated, in relation to the preservation area.

Fish and Game Code section 1600 *et seq.*

Impact BIO-2 states that the project will permanently impact approximately 0.47 acres of "CDFW unvegetated streambeds" and "CDFW riparian habitat." As mitigation for these impacts the DEIR states that the project applicant would "obtain permits for jurisdictional waters of the state." The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration (LSA) Agreement. The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. The Department recommends that the revised DEIR include mitigation for the permanent loss of areas subject to Fish and Game Code section 1600 *et seq.*

Wildlife Movement

Page ES-18 states that "The project site is currently the only open space connecting the native RSS habitats in the Jurupa Hills and Rattlesnake Mountain. Under the current project design, the proposed project would permanently sever potential wildlife movement (including restricting movement of California Gnatcatcher) between the Jurupa Hills and Rattlesnake Mountain." To mitigate for the loss of this wildlife movement corridor, the DEIR proposes, through Mitigation Measure BIO-7, to construct a 100 foot wide corridor between the Jurupa Hills and Rattlesnake Mountain (south of 7<sup>th</sup> Street). However, Figure 3-3 of the DEIR does not include a wildlife corridor, and furthermore page ES-18 states that "If the project design does not incorporate a wildlife corridor, impacts [to wildlife movement] would be significant." Based on this information the Department is unsure if the Lead Agency will require the implementation of Mitigation Measure BIO-7.

The Department does not concur that Mitigation Measure BIO-7 is sufficient to reduce impacts to a level less than significant for project-related impacts to wildlife movement. The Department requests that the Lead Agency provide the analysis used to determine the appropriateness of the "100 foot wide corridor" and the recommended placement of the corridor. Furthermore, the DEIR fails to include a discussion of the potential impacts to the proposed 100-foot wildlife corridor, resulting from proposed improvements to Armstrong Road. Improvements to Armstrong Road will result in both direct (e.g., increased area of exposure, potential for increased road mortality) and indirect effects (e.g., lighting, noise) to the proposed corridor. Based on the lack of details provided in the DEIR related to the wildlife movement corridor, the Department is unable to complete an analysis of the potential impacts of this proposal on public trust fish and wildlife resources. The Department requests further information in the revised DEIR.



Draft Environmental Impact Report  
West Valley Logistics Center Specific Plan  
SCH No. 2012071058  
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Impacts to an adopted Natural Community Conservation Plan (NCCP)

The Department does not concur that the proposed project will have no impact on an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is located adjacent to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area. The Department is concerned that the project may negatively impact the MSHCP through permanently severing potential wildlife movement within the Jurupa Hills Conservation Area.

Alternatives Analysis

The Department encourages the adoption of a reduced impact alternative that encompasses a smaller project footprint, and that provides for an appropriately sized habitat linkage between the Jurupa Hills and Rattlesnake Mountain.

The Department appreciates the opportunity to comment on the DEIR for the West Valley Logistics Center Specific Plan Project (SCH No. 2012071058). If you should have any questions pertaining to this letter, please contact Joanna Gibson at [Joanna.Gibson@wildlife.ca.gov](mailto:Joanna.Gibson@wildlife.ca.gov) and 909-987-7449.

Sincerely,



Jeff Brandt  
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento

## 2.6.5 Lozeau Drury

**Note:** The law firm of Lozeau Drury submitted comments on the 1<sup>st</sup> RDEIR on behalf of their client: Laborers International Union of North America, Local Union No. 783 and its members living in San Bernardino County. Subsequent to submittal of this comment letter, the applicant and the union met over the period of several months, reaching agreement on project construction and environmental issues. Lozeau Drury was provided with a copy of the 2<sup>nd</sup> RDEIR for review on behalf of their client during that EIR's public review period. In light of the agreement reached between the applicant and the Laborers International Union of North America Local Union No. 783, Lozeau Drury did not provide any comments on the 2<sup>nd</sup> RDEIR.

### Response to Comment 5-1

As permitted by CEQA Guidelines Section 15088.5 (f)(1), because the entirety of the Draft EIR and the 1<sup>st</sup> RDEIR were recirculated, the City of Fontana initially chose not to provide written responses to comments received during either of the two earlier circulation periods. Pursuant to the provisions of CEQA Guidelines Section 15088.5(f)(1), the 1<sup>st</sup> RDEIR stated that although the comments received during the original Draft EIR public review period would be part of the administrative record for the WVLCSP project, the City would not be preparing written responses to those comments in the Final EIR. In addition, the 2<sup>nd</sup> RDEIR stated that although the comments received during the 1<sup>st</sup> RDEIR public review period would be part of the administrative record for the WVLCSP project, the City would not be preparing written responses to those comments in the Final EIR. As for all comments received on the 2<sup>nd</sup> RDEIR (February 2018), the 1<sup>st</sup> RDEIR (December 2014), and the Draft EIR (April 2014), the Final EIR documents how the City has responded to all pertinent comments on significant environmental issues and how the 2<sup>nd</sup> RDEIR was drafted in a manner to address comments raised by prior comment letters.

### Response to Comment 5-2

Comment 5-2 provides a summary of the comments included in this comment letter. Specific responses to specific comments are provided in Responses 5-4 through 5-56.

### Response to Comment 5-3

Comments in the attached three letters have, in fact, been responded to.

### Response to Comment 5-4

Comment 5-4 consists of a summary of the project's background and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 5-5

Comment 5-5 sets forth introductory material regarding Laborers International Union of North America Local 783 and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 5-6**

Comment 5-6 addresses the commenter's opinions regarding various CEQA requirements and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 5-7**

Comment 5-6 addresses the commenter's opinions regarding various CEQA requirements and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 5-8**

Comment 5-6 addresses the commenter's opinions regarding various CEQA requirements and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 5-9**

See Response to Comment WVWD-3 and EEJG-46 for a discussion of off-site road, utility, and infrastructure activities. Proposed on-site and off-site improvements are identified in Section 3.4.4 of the 2<sup>nd</sup> RDEIR. The impacts of facilities improvements are addressed as part of the overall impacts of proposed development and not identified separately from other site development. Thus, each of the analyses sections in 2<sup>nd</sup> RDEIR Chapter 4.2 include impacts resulting from site preparation and grading; roadway, water, sewer, drainage, and other facilities improvements; and proposed warehouse buildings. Impacts of required infrastructure are thus incorporated in the analyses of the 2<sup>nd</sup> RDEIR, which does not treat required infrastructure as a separate project.

### **Response to Comment 5-10**

Comment 5-10 sets forth the commenter's assertions regarding the requirements of CEQA in relation to analyzing impacts and mitigating significant impacts. The comment does not address the RDEIR, and therefore raises no significant environmental issues regarding the adequacy of the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 5-11**

Comment 5-11 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. As stated on page 4.2.2-14 of the 2<sup>nd</sup> RDEIR, "analysis of localized significance thresholds using dispersion modeling was conducted using project-specific information pertaining to construction and operational activities at the project site." The modeling was conducted utilizing the SCAQMD-approved AERMOD dispersion model. The EIR's modeling approach is detailed in the Air Quality Impact Analysis for the WVLCSP (Appendix F) and is summarized starting on page 4.2.2-22 of the 2<sup>nd</sup> RDEIR. Thus, both the localized and HRA analyses are based on dispersion modeling which accounts for geospatial locations and particle dispersion from the source to receptor. The updated analyses set forth in the 2<sup>nd</sup> RDEIR concludes that project impacts will be less than significant.

### **Response to Comment 5-12**

This comment questions the version of CalEEMod used in the 1<sup>st</sup> RDEIR, which was the current version at the time of the analysis. The model version recommended in Comment 5-12 (v2013.2.1)

is itself now outdated. The air quality analysis prepared for the 2<sup>nd</sup> RDEIR used the most current CalEEMod version 2016.3.1.

### Response to Comment 5-13

The 2<sup>nd</sup> RDEIR includes a full HRA that fully analyzes the TAC impacts on nearby residential communities related to diesel engine exhaust. While the HRA is focused on the long term operational emissions of TAC, the health risks from construction emissions are disclosed in the air quality analysis of localized impacts or LST. That LST analysis includes PM<sub>10</sub> and PM<sub>2.5</sub> emissions, a combination of diesel construction exhaust and fugitive dust. The 2<sup>nd</sup> RDEIR concludes that health risk levels from construction to all nearby communities would be less than significant.

### Response to Comment 5-14

Comment 5-14 mischaracterizes the actual analysis and conclusions contained in the 1<sup>st</sup> RDEIR. The 2<sup>nd</sup> RDEIR does not use a “business as usual” baseline. As stated on page 4.2.7-36 of the 2<sup>nd</sup> RDEIR, the following thresholds were used in determining the significance of GHG impacts:

- **“Would the project generate direct or indirect greenhouse gas emissions that would result in a significant impact on the environment (see Impact GHG-1)?”**

The City of Fontana has not formally adopted a numeric threshold of significance for determining impacts with respect to greenhouse gas (GHG) emissions. As an interim threshold based on guidance provided in the CAPCOA *CEQA and Climate Change* handbook, the City has opted to use a non-zero threshold approach based on Approach 2 of the handbook. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) establishes a numerical screening threshold based on capture of approximately 90 percent of emissions from future development. The latest screening threshold developed by SCAQMD using this method is 3,000 metric tons carbon dioxide equivalent (MTCO<sub>2e</sub>) per year for non-industrial projects, as described in the SCAQMD’s Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans (“SCAQMD Interim GHG Threshold”). This 3,000 metric tons threshold, which is used in this EIR, is also consistent with the SCAQMD’s draft interim threshold Tier 3.

- **Would the project conflict with the ARB Scoping Plan and regulations adopted for the purpose of reducing emissions of GHGs (see Impact GHG-2)?**

Analysis under Impact GHG-2 involves both a quantitative analysis of the project’s consistency with the ARB’s Scoping Plan and with GHG emission reducing regulations. The Scoping Plan (and its adopted regulations) are considered a statewide plan, policy, or regulation adopted by a public agency to reduce GHG emissions that may be used to assess consistency with AB 32. To determine the project’s consistency with the ARB Scoping Plan and regulations adopted for the purpose of reducing emissions of GHGs, the analysis below evaluates whether the project would have a significant effect in relation to GHG emissions. A significant impact in relation to GHG emissions is considered by the City of Fontana to be a significant impact in relation to consistency with the ARB Scoping Plan and regulations adopted for the purpose of reducing emissions of GHGs.”

### Response to Comment 5-15

See Response to Comment 5-14. Comment 5-15 mischaracterizes the analysis set forth in the 1<sup>st</sup> RDEIR incorrectly infers that the GHG analysis contained in that document had been reviewed and “rejected under CEQA” by an unnamed entity. The analysis in the 2<sup>nd</sup> RDEIR of Impact GHG-1 is

based on the very real environment wherein the existing undeveloped project site does not emit GHGs, and the proposed project would emit 60,631 metric tons of GHGs from all sources, leading to a significant impact when compared to the 10,000 tons threshold used in the 2<sup>nd</sup> RDEIR.

In relation to Impact GHG-2, Comment 5-15 is no longer relevant. The significance of project impacts in relation to Impact GHG-2, which addresses consistency of the proposed project with applicable plans, programs, and regulations for the reduction of GHG emissions, was based on whether the project would have a significant effect in relation to GHG emissions. Because the proposed project's GHG emissions would exceed the 10,000 tons threshold used in the 2<sup>nd</sup> RDEIR, impacts were determined in the 2<sup>nd</sup> RDEIR to be significant and unavoidable.

## Response to Comment 5-16

See Responses to Comment 5-40, 5-41, and 5-42.

## Response to Comment 5-17

As part of the previously certified Valley Trails EIR for the project site, a Limited Site Characterization was performed to determine the existence of the formerly used organochlorine pesticides within the soils. The Valley Trails EIR reported that the results of testing indicated no organochlorine pesticides present in the near surface soils at the location tested, and that the levels were detected were orders of magnitude below the EPA's DDT preliminary remediation goals for residential soils. The Valley Trails EIR concluded that test results indicated no further testing for pesticides would be necessary and that unrestricted use of the property would be warranted. Because the site is vacant, and has remained so since the preparation of the Valley Trails EIR, the baseline information provided in the Valley Trails EIR was determined by the City of Fontana to be appropriate for use as the baseline in both the West Valley Logistics Center 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs.

Specific Plan Requirement SP-HM-1 requires soils testing to be undertaken to confirm the findings of previous studies undertaken for the Valley Trails Specific Plan EIR indicating an absence of contamination from previous pesticide use on-site, as well as to confirm the absence of asbestos and lead-based paint in the remnant construction debris on-site. Should this study fail to confirm the absence of on-site contamination per previous studies, Specific Plan Requirement SP-HM-1 requires that site remediation be undertaken to address such hazards, subject to the regulatory authority of the DTSC, RWQCB, and DEHS. Mitigation Measure HAZ-1 also establishes a performance standard to be met: that achieve risk-based cleanup standards<sup>9</sup> of an acceptable excess cancer risk of  $1 \times 10^{-5}$  or as otherwise established by the EPA, DTSC, or DEHS be achieved for proposed industrial uses on site. As a result of this Specific Plan requirement, the 2<sup>nd</sup> RDEIR concluded that impacts would be less than significant.

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<sup>9</sup> Historically, regulatory agencies have used conservative standard-based criteria (i.e., drinking water standards) or required cleanups to background levels, often assumed to be pristine environments. In some cases, these types of criteria can lead to costly cleanup requirements. Recently, there has been a trend to use site-specific risk-based cleanup goals instead of "standard-based" or "background levels." Rather than pre-determining specific contaminant levels to be applied to every site regardless of the risks involved in exposure of the public to contaminants, risk-based cleanup goals involve application of performance standards (e.g., acceptable cancer risk) to site-specific conditions based on actual health and environmental risk posed by contaminants in the ground or water. As a result, land uses where risks to the public health are higher (e.g., residential) will have more stringent cleanup requirements than would less sensitive uses (e.g. industrial), given the same level of cancer risk.

### **Response to Comment 5-18**

Comment 5-18 mischaracterizes the project and 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs in its assertion that the project is “attempting to avoid any cleanup of the site by refusing to determine if the site is or is not contaminated.” As noted in Response 5-17, the previous site characterization prepared for the site concluded that contamination levels were “orders of magnitude below the EPA’s DDT preliminary remediation goals for residential soils.” In addition, the 2<sup>nd</sup> RDEIR sets forth Specific Plan Requirement SP-HM-1 and Regulatory Requirements RR-HM 1, 2, and 3 to address any potential soil contamination hazards and set enforceable performance standards.

As noted on page 4.2.8-2 of the RDEIR, during the 2013 site reconnaissance, evidence was found on site indicating the release of waste oil as well as dumped construction, automotive, and household waste debris, along with evidence of a possible underground storage tank system and monitoring wells. Figure 4, *Site Survey*, within Appendix C shows the location of the significant observations found during the site survey. Thus, an adequate baseline has, in fact, been established.

### **Response to Comment 5-19**

See Responses to Comments 5-17 and 5-18, which demonstrate that the 2<sup>nd</sup> RDEIR does, in fact, establish an adequate baseline for use analysis of hazardous materials impacts.

### **Response to Comment 5-20**

See Responses to Comments 5-17 and 5-18, which demonstrate that the 2<sup>nd</sup> RDEIR establishes an adequate baseline for use analysis of hazardous materials impacts and provides for adequate protection from any hazardous materials impacts.

As noted in the regulatory setting section of the RDEIR on page 4.2.8-8, the Occupational Safety and Health Administration (OSHA) maintains regulations to ensure the safety and health of American workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA standards are listed in 29 Code of Federal Regulations 1910. Code of Federal Regulations Chapter 29, Sections 1910 (General Industry) and 1026 (Construction), promulgates regulations for the preparation and implementation of Health and Safety Plans. All project construction, including and grading will be required to be in compliance with applicable hazardous materials requirements, including OSHA standards.

### **Response to Comment 5-21**

See Responses to Comments 5-17 and 5-18.

### **Response to Comment 5-22**

Comment 5-22 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR, which analyzed a different truck routing plan than was analyzed in the 1<sup>st</sup> RDEIR.

See Response to Comment CJV-4 regarding the project’s opening year.

See Response to Comment CJV-38 for discussion of measures proposed to implement and ensure enforcement of the project’s truck routing plan.

In addition to the TIA included in the 2<sup>nd</sup> RDEIR (Section 4.2.15), a supplemental focused traffic assessment was prepared for the Final EIR to evaluate the study area intersections using the latest ITE *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017. However, the trip generation for many land uses have decreased in comparison to the 9<sup>th</sup> Edition *Trip Generation Manual*. As such, impacts and improvement needs at study area intersections are consistent with or less than those identified in the TIA. See Response to Comment SBC-1 for further discussion of the supplemental TIA.

### Response to Comment 5-23

This comment summarizes comments set forth in the Smallwood letter. See Responses to Comments 4-1 through 4-28.

### Response to Comment 5-24

CEQA Guidelines (Section 15126.6(e)(2)) require that an environmentally superior alternative be identified among the alternatives considered. The environmentally superior alternative is generally defined as the alternative which would result in the least adverse environmental impacts to the project site and surrounding area. If the No-Project (No-Build) Alternative is found to be the environmentally superior alternative, the document must identify an environmentally superior alternative among the other alternatives. CEQA Guidelines, and in particular, Guidelines Section 15126.6(e)(2) do not require an EIR to “recommend” approval of any alternative, including the environmentally superior alternative.

Comment 5-24 also mischaracterizes the alternatives discussion in the 1<sup>st</sup> RDEIR that was carried over into the 2<sup>nd</sup> RDEIR by asserting that it rejects Alternative 5. The 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs do, however, analyze the extent to which Alternative 5 meets each project objective. As demonstrated in this analysis, the EIR notes that Alternative 5 does not meet project objectives *to the same extent* as does the proposed project. By reducing the amount of proposed development by 30 percent, jobs creation would be reduced accordingly. The 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs thus correctly conclude that the environmentally superior alternative “would not meet project objectives related to jobs creation and economic development opportunities *to the same extent* as would the proposed project” (emphasis added). Because the amount of proposed development would be reduced, the 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs correctly observe that the environmentally superior alternative “would result in substantially reduced public benefit payments to the City.” In addition, because the amount of proposed development would be reduced, the 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs also correctly observe that the environmentally superior alternative would “place the applicant in the position of having purchased a fully entitled development site and allowing for use of 70 percent of the site’s approved development capacity.” Finally, the analysis in the 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs concludes that, while Alternative 5 would reduce impacts on the environment in relation to aesthetics, air quality/GHG, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise, it would not reduce project-related significant unavoidable impacts to less than significant levels.

Comment 5-25 mischaracterizes CEQA requirements regarding the lead agency’s discretion in approving a project. As permitted by State law and CEQA, the City of Fontana will make its final determinations as to the feasibility of alternatives at the time of project approval and will provide substantial evidence on the record of its determinations at the time they are made. Although, as noted above, the 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs do not reject Alternative 5, *California Native Plant Society et al. v. City of Santa Cruz* (6th District Court of Appeal, filed Aug. 20, 2009, pub. order Sep. 18, 2009, Case

No. H032502) provides important authority that a lead agency may identify an alternative as infeasible because it is “impractical or undesirable from a policy standpoint” or otherwise inconsistent with project objectives, so long as the decision is supported by substantial evidence in the record. In *California Native Plant Society*, the court rejected the argument that feasibility findings made at a project approval were subject to the same test as the feasibility of alternatives to be evaluated in the EIR. The court found that, when assessing feasibility in connection with the alternatives analysis in the EIR, the question is whether the alternative is *potentially* feasible. The court further found that the decision-making body may or may not reject the alternatives in the EIR as being infeasible when it comes to project approval. The court stated, like mitigation measures, potentially feasible alternatives are “suggestions which may or may not be adopted by the decisionmakers,” and the ultimate determination of feasibility is made at the time of project approval. At this final stage of project approval, the court in *California Native Plant Society* explained that the “agency must necessarily weigh and balance its pros and cons taking account of a broad range of factors,” including economic, legal, social environmental, social, technological and “other considerations.” After weighing these factors, the court stated, “an agency may conclude that a mitigation measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible on that ground.” Thus, in *California Native Plant Society*, the court concluded that the lead agency “was legally justified in rejecting environmentally superior alternatives as ‘infeasible’ on the basis of its determination that the alternatives were undesirable from a policy standpoint because they failed to achieve what the Council regarded as primary objectives of the Master Plan,” and because substantial evidence supports its infeasibility findings.

## Response to Comment 5-26

The applicant for the West Valley Logistics Center does not control any land within the City of Fontana other than the proposed project site, and an alternative location was, therefore, rejected and not analyzed in detail in the 2<sup>nd</sup> RDEIR. As noted in the 2<sup>nd</sup> RDEIR, the City of Fontana had previously analyzed development of warehouse uses located more than 1,000 feet from residential use in its EIR for the SWIP. The SWIP consists of a large master plan that was approved with a certified EIR (SCH# 2009091089) by the City of Fontana and could accommodate warehouse uses of a scale commensurate with that proposed by the West Valley Logistics Center.

The SWIP is located within the southwestern portion of the City of Fontana and County of San Bernardino, generally situated along the I-10 freeway corridor, and includes 3,111 acres of industrial, manufacturing, office, commercial, research and development, flex-tech, residential, public, and public/utility right-of-way uses. The SWIP EIR identifies the following significant and unmitigated impacts for that project:

- Substantial adverse effect on a scenic vista
- Short-term construction emissions
- Long-term air quality emissions: significant overall increase in regional pollutant loads due to mobile source emissions and area source emissions.
- Conflicts with the AQMP
- Long-term mobile noise: permanent increase in ambient noise levels from mobile sources (vehicular traffic and rail), in excess of established standards.
- Cumulative impact related to parks and recreation



- Roadway and intersection levels of service.

It should be noted that the much larger, more intense SWIP project was not identified as having a significant and unavoidable impact related to GHG emissions. This is because the EIR for the SWIP does not utilize the 10,000 MTCO<sub>2e</sub> threshold that SCAQMD uses on projects for which it is the lead agency, and concluded that, with mitigation, SWIP's GHG annual production of 1,084,854.86 MTCO<sub>2e</sub>/year (774,572.77 MTCO<sub>2e</sub> after mitigation) would be less than significant since mitigation measures would reduce GHG emissions to meet emissions reduction targets set in CARB's then current Scoping Plan.

Additionally, if the proposed West Valley Logistics Center project would not go forward on the current site, it would not be reasonable to assume that the project site would continue to lie vacant. Should proposed warehouse development not occur within the project site, it would be reasonable to assume that buildout according to the approved Valley Trails Specific Plan would occur. Impacts resulting from that project were addressed in the certified Valley Trails Specific Plan EIR and summarized in 2<sup>nd</sup> RDEIR Alternative 2.

Because (1) the applicant for the WVLCSP does not control any land within the SWIP, and (2) impacts of an industrial development the SWIP have already been addressed in a certified EIR, no additional analysis was warranted, and an alternative location was not analyzed in detail in the 2<sup>nd</sup> RDEIR. In addition, the impacts of not approving warehouse development within the project site are addressed in Alternative 2, No Project/Buildout of the Existing Valley Trails Specific Plan.

### **Response to Comment 5-27**

The 1<sup>st</sup> RDEIR was, in fact, revised and recirculated. As noted above, the commenter did not provide any comments on the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-28**

See Response to Comment 5-27. Comment 5-28 sets forth an overall conclusion regarding the adequacy of the 1<sup>st</sup> RDEIR and its analyses and conclusions based on other comments contained in Comment letter 5. Specific responses to each of these comments constitute the response to the general conclusions set forth in the Responses to Comments 5-1 through 5-27.

The City of Fontana as lead agency has analyzed the environmental effects of the proposed project pursuant to the requirements of CEQA, which, among other provisions, require disclosure of the proposed project's environmental effects and mitigation for those effects determined to be significant. Each of the impacts determined to be significant and unavoidable have been clearly identified as required by CEQA.

CEQA does not require an agency to deny a project with one or more significant unavoidable impacts. A Lead Agency may approve a project with one or more significant unavoidable impacts, if it concludes that the unavoidable environmental damage from the project is acceptable when balanced against the project's benefits. It is only during this analysis of the balance between a project's impacts and its benefits that a determination as to whether significant impacts are too severe or too numerous to justify project approval can be made.

In the event that the City of Fontana ultimately determines that the benefits of the proposed project outweigh its impacts, the City is required by CEQA to adopt a statement of overriding considerations detailing why it believes that specific economic, legal, social, technological, or other stated benefits,

including region-wide or statewide environmental benefits, are sufficient to warrant project approval (Public Resources Code Section 21081(b); CEQA Guidelines Section 15093). The statement of overriding considerations is required to explain in writing the specific reasons supporting the City's action to approve a project with one or more significant unavoidable impacts based on the Final EIR and/or other information in the record.

### **Response to Comment 5-29**

This comment provides an introduction and summary of issues addressed in subsequent comments. See Responses to Comments 5-30 through 5-46 for specific responses to specific comments.

### **Response to Comment 5-30**

See Response to Comment 5-11.

### **Response to Comment 5-31**

Comment 5-31 addresses details of an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR in comparison with tables in Section 4.2.2 of that document. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-32**

Comment 5-32 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-33**

Comment 5-33 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-34**

The EIR includes all feasible mitigation measures. The mitigation measures suggested in Comment 5-34 are generic and not applicable to the proposed warehouse project. The suggested measures involve either project relocation, which is addressed in the Alternatives section of the 2<sup>nd</sup> RDEIR, or involve use of transit options that would have no effect on the main source of emissions—trucks moving goods to and from the proposed warehouses.

### **Response to Comment 5-35**

Comment 5-33 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-36**

Comment 5-33 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

**Response to Comment 5-37**

Comment 5-33 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

**Response to Comment 5-38**

Comment 5-33 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

**Response to Comment 5-39**

Comment 5-33 addresses an outdated air quality technical study prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

**Response to Comment 5-40**

The 2<sup>nd</sup> RDEIR does not utilize “business as usual” in analyzing GHG emissions. See Response to Comment 5-14.

**Response to Comment 5-41**

See Response to Comment 5-14 for discussion of thresholds used in the 2<sup>nd</sup> RDEIR to analyze GHG impacts.

**Response to Comment 5-43**

Comment 5-43 fails to note that as part of the previously certified Valley Trails EIR for the project site, a Limited Site Characterization was performed and concluded that no organochlorine pesticides were present in the near surface soils at the location tested, and that the levels were detected were orders of magnitude below the EPA’s DDT preliminary remediation goals for residential soils. See Responses 5-17, 5-18, and 5-20.

**Response to Comment 5-44**

See Responses to Comments 5-17, 5-18, and 5-20.

**Response to Comment 5-45**

See Responses to Comments 5-17, 5-18, and 5-20.

**Response to Comment 5-46**

Comment 5-46 summarizes provides a conclusion to the SWAPE comment letter. See Responses 5-11, 5-13, 5-15, 5-31 through 5-34, and 5-40 through 5-43.

**Response to Comment 5-47**

Comment 5-47 provides an introduction to the comment letter and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 5-48**

Comment 5-48 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

Starting on page 3-12 of the 2<sup>nd</sup> RDEIR is a discussion of how a property owners' association to which the City of Fontana would be a third party for enforcement purposes will be formed to ensure that project-generated trucks stay on the proposed truck routes. See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

### **Response to Comment 5-49**

Comment 5-49 discusses the education and experience of the commenter and raises no substantive issues regarding the information, analyses, or conclusions of the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-50**

Comment 5-50 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-51**

Comment 5-51 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-52**

Comment 5-52 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR.

### **Response to Comment 5-53**

Comment 5-50 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. Traffic volumes for freeway segments were calculated based on the most recent data available from the Caltrans Counts database at the time the TIA was prepared.

### **Response to Comment 5-54**

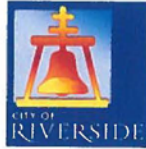
A truck management plan is presented on page 3-9 of the 2<sup>nd</sup> RDEIR, which provides for routing truck traffic on secondary, major, and arterial highways, rather than on local residential streets. Starting on page 3-12 of the 2<sup>nd</sup> RDEIR is a discussion of how a property owners' association to which the City of Fontana would be a third party for enforcement purposes will be formed to ensure that project-generated trucks stay on the proposed truck routes. See Responses to Comments CJV-33, CJV-37, and CJV-38 for discussion regarding implementation of the project's truck management plan.

### **Response to Comment 5-55**

See Section 4.2.15, *Transportation and Traffic*, of the 2<sup>nd</sup> RDEIR, including its mitigation measures.



Letter 6



Community Development  
Department  
Planning Division

*City of Arts & Innovation*

February 13, 2015

Mr. Orlando Hernandez  
Senior Planner  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

RE: Notice of Availability for Public Review for a Recirculated Draft Environmental Impact Report (RDEIR) for the West Valley Logistics Center Specific Plan

Dear Mr. Hernandez:

Thank you for the opportunity to comment on the West Valley Logistics Center Specific Plan for future industrial warehousing, public facility and open space on 291 acres of land located in the southeast portion of Fontana (the primary development area more specifically located at the southeast corner of Locust and Jurupa Avenues immediately north of the Riverside/San Bernardino County line). The proposed RDEIR and Specific Plan would allow for approximately 3.47 million square feet of industrial development involving warehouses and office uses. Given the relative proximity of the proposed project to the City of Riverside, City of Riverside staff has carefully reviewed the RDEIR and offers the following comments:

6-1

The proposed Specific Plan would allow for development of almost 3.5 million square feet of warehouses resulting in a substantial increase in truck traffic that will enter into the City of Riverside to access State Route (SR) 60 Freeway via Market Street. Market Street is already burdened by a substantial amount of truck traffic, serving as an access route to the SR 60 and the proposed project will place an even greater truck traffic burden onto Market Street. Upon review of the RDEIR, we find that the RDEIR does not adequately analyze or mitigate the project's significant truck traffic impacts to the City of Riverside. In fact, the RDEIR indicates that there are Significant and Unavoidable impacts related to traffic and while facilities are identified in congestion management programs to reduce impacts, because the timing of full funding and construction of such improvements cannot be known at this time, there is not enough evidence to support a conclusion that impacts would be reduced to less-than significant levels with implementation of mitigation, and impacts would be significant and unavoidable until all improvements can be made. In addition, specific deficiencies have been identified by the City of Riverside's Public Works Department and are discussed in more detail below.

6-2

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | [RiversideCA.gov](http://RiversideCA.gov)

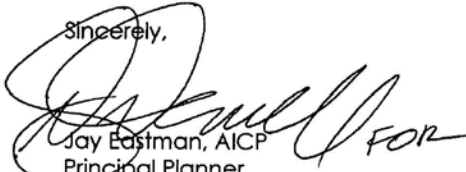
The Market Street and State Route (SR) 60 Freeway interchange currently experiences heavy demand that causes delay at adjacent City signals not included in the traffic study; the proposed project is anticipated to allocate at least 22 percent of its traffic to this already impacted interchange. Mitigation measures included in the RDEIR and the attached supplemental Traffic Impact Analysis are not feasible, and do not sufficiently address or mitigate the anticipated impacts of the project based on the following:

1. Mitigation Measure TRA-1d: Payment of Development Impact Fees for Transportation Improvements. This mitigation measure requires the applicant to "make fee payments to the City (City of Fontana) to fund improvements needed to mitigate the project's contribution to cumulative impacts on intersections, freeway mainline segments, and/or ramp junctions that would operate at an unacceptable LOS (or a further unacceptable LOS) in 2035. Such fee payments would include fair share payment to Caltrans as mitigation for the project's contribution of traffic to the Market Street/SR-60 eastbound ramps and the need for restriping the southbound approach to provide two left turn lanes and one through lane, which is not included in Riverside County's TUMF Program (TIA Supplemental Analysis Pg. 6)." This improvement is not feasible because insufficient width is available at the receiving lane of the east bound on ramp- especially in consideration of the anticipated truck usage of this movement. The reduction in capacity would likely cause queueing beneath the SR-60 bridge, and result in poor progression along south bound Market Street. 6-3
  
2. "Market Street/SR-60 Westbound Ramps: Convert the north-south signal phasing to split-phase and add overlap phasing to the westbound right-turn lane (Page 120 of the Traffic Impact Analysis)." Placing the west bound right turn at the SR-60 exit ramp under signalized control would create a 'right turn on red', forcing motorists to stop under what was previously a yield/merge situation. In addition to developing a queue along the exit ramp, the split phasing will cause poor progression for residents traveling on north bound Market Street by allocating a portion of the cycle time to the west bound exit ramp; the geometry and phasing will not meet driver expectations. 6-4
  
3. "Market Street/SR-60 Eastbound Ramps: Restripe one eastbound right-turn lane to a left-turn lane, and convert an eastbound right-turn lane to a free right-turn lane" Conversion of one EB right turn lane to a free right would likely require geometric improvements that may not be feasible. Converting the lane configuration without implementation of the free right turn would severely reduce capacity for the EB right turn and cause poor progression towards Downtown Riverside-which is shown to be the heaviest movement at the intersection. No anticipated cost of the improvement was shown. 6-5

City of Riverside staff appreciates your consideration of these comments and looks forward to continue working with the City of Fontana. Please forward all subsequent revised environmental document and plans to the City of Riverside Planning Division for review. Should you have any questions regarding this letter, please contact Doug Darnell, Senior Planner, at (951) 826-5219 or by e-mail at ddarnell@riversideca.gov.

6-5  
cont.

Sincerely,



Jay Eastman, AICP  
Principal Planner  
City of Riverside, CA

cc: Rusty Bailey, Mayor  
Riverside City Council Members  
Lee McDougal, City Manager  
Deanna Lorson, Assistant City Manager  
Al Zelinka, Assistant City Manager  
Kristi Smith, City Attorney  
Tom Boyd, Public Works Director  
Emilio Ramirez, Acting Community Development Director  
James R. Troyer, AICP, City of Fontana Director of Community Development

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SP\City Comment Letter.docx



## 2.6.6 City of Riverside Community Development Department, Planning Division

### Response to Comment 6-1

Comment 6-1 provides an introduction to the City of Riverside's comment letter for the 1<sup>st</sup> RDEIR and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 6-2

Comment 6-2 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The traffic analysis set forth in the 2<sup>nd</sup> RDEIR reflects a different routing of trucks than was analyzed in the 1<sup>st</sup> RDEIR and is the subject of this comment. Each of the four intersections within the City of Riverside analyzed in the 2<sup>nd</sup> RDEIR would operate at unacceptable levels of service under cumulative (2040) *without project* conditions, as described below.

- **Market Street/Rivera Street (#62).** This intersection is within the city of Riverside. Under cumulative (2040) without project conditions, this intersection will operate at an unacceptable LOS F in the PM peak hour. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the Riverside County TUMF program, and the City of Riverside does not have a program into which fair share fee contributions can be made.
- **Market Street/SR 60 westbound ramps (#63).** This intersection is within the city of Riverside and is under Caltrans jurisdiction. Under cumulative (2040) without project conditions, this intersection will operate at an unacceptable LOS F in the PM peak hour. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the Riverside County TUMF program, and Caltrans does not have a program into which fair share fee contributions can be made.
- **Market Street/SR 60 Eastbound Ramps (#64).** This intersection is within the city of Riverside and is under Caltrans jurisdiction. Under cumulative (2040) without project conditions, this intersection will operate at an unacceptable LOS F in the PM peak hour. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the Riverside County TUMF program, and Caltrans does not have a program into which fair share fee contributions can be made.
- **Market Street/Redwood Drive (#65).** This intersection is within the city of Riverside. Under cumulative (2040) without project conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the Riverside County TUMF program, and the City of Riverside does not have a program into which fair share fee contributions can be made.

The determination that impacts would be significant and unavoidable is not based on a lack of ability to physically mitigate the impacts of cumulative development, including the addition of West

Valley Logistics Center traffic, but is based on lack of a mechanism into which a fair share could be paid by the proposed project that would ensure physical improvements would actually be undertaken. The City of Fontana has no authority to ensure such physical improvements are actually provided. Should the City of Riverside and/or Caltrans develop funding mechanisms into which fair share payments could be made that would lead to needed physical improvements, the project would be required by the City of Fontana to make such fair share payments.

### **Response to Comment 6-3**

Comment 6-3 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Response to Comment 6-2 for discussion of proposed mitigation.

### **Response to Comment 6-4**

Comment 6-4 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Response to Comment 6-2 for discussion of proposed mitigation.

### **Response to Comment 6-5**

Comment 6-5 addresses an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. See Response to Comment 6-2 for discussion of proposed mitigation.

## Letter 7



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

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



February 17, 2015

Mr. Orlando Hernandez  
 City of Fontana Planning Division  
 8353 Sierra Avenue  
 Fontana, CA 92335

Subject: Recirculated Draft Environmental Impact Report  
 West Valley Logistics Center Project  
 State Clearinghouse No. 2012071058

Dear Mr. Hernandez:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Recirculated Draft Environmental Impact Report (DEIR) for the West Valley Logistics Center Project (Project) [State Clearinghouse No. 2012071058]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

#### Project Description

The Project area is located in the southeastern portion of the City of Fontana, County of San Bernardino, California. More specifically the project site is bound by the City of Fontana boundary to the south and east, the unincorporated community of Bloomington to the east, and the City of Jurupa Valley to the south. Local street access to the project from the north would be from Alder Avenue, Locust Avenue, and Jurupa Avenue. Local access from the south would be from Armstrong Road. The City of Fontana proposes the West Valley Logistics Center Specific Plan (WVLCSP) which would serve as the guiding document to develop an approximately 291 acre site with industrial warehousing, public facility, and open space land uses. The WVLCSP would be implemented to replace the Valley Trails Specific Plan designation on the site with the planning concept, design framework, development regulations, design guidelines, and administrative procedures necessary to achieve a high quality industrial business park environment in southeast Fontana. The WVLCSP would allow up to 3,473,690 square

7-1

*Conserving California's Wildlife Since 1870*

Draft Environmental Impact Report  
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 SCH No. 2012071058  
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feet of industrial development involving warehousing and office uses on 212.1 acres; 14.93 acres of the site would include detention basins; 1.54 acres of an existing utility corridor would remain unchanged; 55.23 acres would be retained in natural hillside open space; and 7.5 acres would consist of right-of-way dedications.

7-1  
 cont.

Biological Resources and Impacts

The Department previously provided comments on the DEIR for this project on June 5, 2014. Although the recirculated DEIR did address some of the concerns raised by the Department in its June 5, 2014 letter, the Department still has concerns related to the sufficiency and completeness of project-related impacts to wildlife movement; and potential impacts to an established Natural Community Conservation Plan (NCCP; i.e., the Western Riverside County Multiple Species Habitat Conservation Plan).

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). As mentioned, the Department is a trustee agency with responsibility under CEQA for commenting on projects that could affect fish and wildlife resources (CEQA Guidelines Section 15386). As a trustee agency, the Department reviews and comments on environmental documents and impacts arising from project activities, as those terms are used under CEQA (Fish and Game Code section 1802). The Department recommends revisions to the following mitigation measures, prior to circulation of the Final EIR:

7-2

1. Mitigation Measure BIO-7 states, "...on-site mitigation at a 1:1 ratio for loss of wetlands and drainage channels regulated by RWQCB and CDFW..." and "...0.5 acre of wetland, 0.21 acre of drainage, and 0.21 acre of mulefat scrub would be mitigated at an off-site mitigation bank using an in-lieu fee program at 1:1 ratio..." The Department is unclear on the type of mitigation being proposed. If creation of habitat is not proposed, the habitat permanently lost through construction of this project will not be replaced, and therefore, the project will not conform with the State's no net loss policy for wetlands. The Department recommends that proposed mitigation be commensurate with potential impacts, and that the Lead Agency ensure that there will be no net loss of wetlands. The Department recommends the City of Fontana revise Mitigation Measure BIO-7, prior to adoption of the FEIR, to ensure that appropriate mitigation is proposed to offset the permanent loss of stream and wetland habitat.

7-3

2. Mitigation Measure BIO-8 states: "The 100-foot-wide vegetated area will be accommodated by maintaining a 100-foot easement along the project site's southern border and will be clear of buildings in perpetuity." After reviewing Exhibits 4 and 6 in the Riversidean Sage Scrub Habitat Mitigation and Monitoring Plan, the Department is unclear on how this buffer will be created. Exhibits 4 and 6 depict that the location of the vegetated area will occur within, or immediately abut, the proposed buildings. Consequently, the Department is concerned that the project does not provide for the

7-4

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 West Valley Logistics Center Project  
 SCH No. 2012071058  
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conservation of sufficient space for California Gnatcatcher to move between Rattlesnake Mountain and the Jurupa Mountains. Without the inclusion of this information in the recirculated DEIR the Department cannot provide specific comments on whether Mitigation Measure BIO-8 will be adequate to reduce the level of impacts to less than significant. Please provide more information on the distance between the proposed project and its corresponding infrastructure with the 100-foot-wide vegetated area.

7-4  
 cont.

Furthermore, the Department previously requested (in the June 5, 2014 comment letter) that the City of Fontana provide the analysis used to determine the appropriateness of the "100 foot wide corridor" and the recommended placement of the corridor. This information was not provided in the recirculated DEIR. The recirculated DEIR also did not address potential impacts to the proposed 100-foot wildlife corridor, resulting from proposed improvements to Armstrong Road. The Department previously commented that improvements to Armstrong Road would likely result in both direct (e.g., increased area of exposure, potential for increased road mortality) and indirect effects (e.g., lighting, noise) to the proposed corridor.

Based on the lack of details provided in the recirculated DEIR related to wildlife movement, the Department reiterates that it is unable to complete an analysis of the potential impacts of this proposal on public trust fish and wildlife resources, and requests that the City of Fontana address this request for additional information. The Department also requests that the City of Fontana provide information on the entity proposed to hold the conservation easement on the 100-foot-wide area, and details on how this area will be managed in perpetuity.

7-5

3. Regarding Impact BIO-6: the Department does not agree that Mitigation Measures BIO-4 and BIO-6 are sufficient to reduce the residual impact of BIO-6 to "No Impact." The southern portion of the project site is located adjacent to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area. The Department is concerned the project may negatively impact the MSHCP through permanently severing potential wildlife movement within the Jurupa Hills Conservation Area. The Department recommends the City of Fontana to reassess Impact BIO-6 and propose additional, appropriate Mitigation Measures for impacts conflicting with the MSCHP.

7-6

4. Regarding the Rare Plants Focused Survey Results on page 4.2.3-18: the Department is concerned with the presumption of absence for all sensitive plant species within the project area. California is currently experiencing a multi-year drought. As such, there is the potential for sensitive plant species to be present in the seed bank, but not germinate due to lack of precipitation. The Department's 2009 Protocols for Surveying and Evaluating Impacts Special Status Native Plant Populations and Natural Communities (available here: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols\\_for\\_surveying\\_and\\_evaluating\\_impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf)) states, "The failure to locate a known special status plant occurrence during one field season does not constitute evidence that this plant

7-7

Draft Environmental Impact Report  
West Valley Logistics Center Project  
SCH No. 2012071058  
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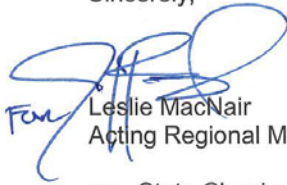
occurrence no longer exists at this location, particularly if adverse conditions are present." The Department recommends that plant surveys be conducted over multiple years to give a true assessment of species make-up of the site, or assume presence of those sensitive species with the potential to occur on site.

7-7  
cont.

The Department appreciates the opportunity to comment on the recirculated DEIR for the West Valley Logistics Center Project and recommends that the City of Fontana address the Department's comments and concerns prior to adoption of the FEIR. If you should have any questions pertaining to these comments, please contact Joanna Gibson at (909) 987-7449 or at [Joanna.gibson@wildlife.ca.gov](mailto:Joanna.gibson@wildlife.ca.gov).

7-8

Sincerely,



Leslie MacNair  
Acting Regional Manager

cc: State Clearinghouse, Sacramento

**Literature Cited**

California Department of Fish and Game (CDFG). 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. State of California, Natural Resources Agency. Available for download at:  
[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols\\_for\\_surveying\\_and\\_evaluating\\_impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf)

## 2.6.7 California Department of Fish and Wildlife

### Response to Comment 7-1

Comment 7-1 provides an introduction to the CDFW's comment letter and raises no significant environmental issues regarding the Draft EIR or its analyses and conclusions.

### Response to Comment 7-2

All of the issues raised in the CDFW's June 5, 2014 comment letter on the DEIR were reviewed, and appropriate revisions were made in the 1<sup>st</sup> and 2<sup>nd</sup> RDEIRs as determined by the City, which is the CEQA lead agency for the project.

### Response to Comment 7-3

In response to this comment, Mitigation Measure BIO-7 was revised in the 2<sup>nd</sup> RDEIR. The CDFW was provided with that document for review at the start of its public review period and no comments were received on the 2<sup>nd</sup> RDEIR.

### Response to Comment 7-4

See Responses to Comments 4-16 and 4-17. The concept of a 100-foot-wide corridor was modified in the 2<sup>nd</sup> RDEIR. Specific Plan Requirement SP-B-3 provides for a combination of ground-level native plantings and rooftop plantings of RSS plant species to create vegetative substrate that could facilitate avian species east-west dispersal between Rattlesnake Mountain, the proposed 55.23-acre RSS on-site conservation area, and the Jurupa Hills. The avian movement feature is illustrated in Figure 3-8.

### Response to Comment 7-5

See Responses to Comments 4-16 and 4-17.

### Response to Comment 7-6

The commenter provides no evidence that the proposed project would sever potential wildlife movement within the Jurupa Hills Conservation Area of the Western Riverside County MSHCP. As documented in Section 4.2.3 of the 2<sup>nd</sup> RDEIR, the project site does not provide connectivity between Rattlesnake Mountain and the Jurupa Hills such that project development would affect wildlife movement. The project does, however, retain 55.23 acres of RSS adjacent to the Jurupa Hills as an on-site conservation area. The project also provides for a combination of ground-level native plantings and rooftop plantings of RSS plant species to create vegetative substrate that could facilitate avian species east-west dispersal between Rattlesnake Mountain, the proposed 55.23-acre RSS on-site conservation area, and the Jurupa Hills.

### Response to Comment 7-7

A habitat assessment for rare plants conducted in 2017 subsequent to the 1<sup>st</sup> RDEIR which is the subject of this comment, confirmed that there was a low potential for the RSS in the conservation lands to provide suitable habitat for sensitive plants. However, because focused surveys for such species were not specifically performed in the conservation area, the EIR concluded presence of

sensitive plants species could not be ruled out. As a result, Mitigation Measure BIO-1 was revised to provide protections for sensitive plant species should they be present within the project site.

### **Response to Comment 7-8**

This comment provides a conclusion to the comment letter and does not raise any substantive issues regarding the information, analyses, or conclusions of the 2<sup>nd</sup> RDEIR.



Letter 8

# City of Jurupa Valley

Brad Hancock , Mayor. Laura Roughton, Mayor Pro Tem. Frank Johnston, Council Member.  
Verne Lauritzen, Council Member. Brian Berkson, Council Member.

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February 16, 2015

Orlando Hernandez, Senior Planner  
City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

RE: Comments on the Recirculated Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan

Dear Mr. Hernandez:

The City of Jurupa Valley appreciates the opportunity to comment on the Recirculated Draft Environmental Impact Report ("DEIR") for the West Valley Logistics Center Specific Plan ("Project") located in the City of Fontana. We believe the Recirculated DEIR still does not adequately address the impacts of development of the Project, including most notably, impacts on the City of Jurupa Valley, which is located immediately adjacent to the Project site. We also want to note that a copy of the Recirculated EIR was not forwarded to the City's Planning Department who provided the comment list on the previous Draft EIR. Therefore, we are requesting additional time to respond to this recirculated document.

8-1

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate a Draft EIR when significant new information is added to the Draft EIR after public notice for public review of the Draft EIR, but prior to certification. We believe the comments included in the attached chart constitute and/or will result in the addition of "significant new information" and that the Draft EIR should either be recirculated for additional comments or a response to comments document be circulated for review. The City of Jurupa Valley also wishes to be kept on the list of interested parties to receive copies of all notices (including notices of determination) regarding the Project.

8-2

If you have any questions concerning this response, please contact me at (951) 332-6464 or by email at [rolson@jurupavalley.org](mailto:rolson@jurupavalley.org). You may also contact the City's CEQA Consultant Ernest Perea at (951) 214-2739 or by email at [ernestperea@ymail.com](mailto:ernestperea@ymail.com).

8-3

Sincerely,



Robert Olson  
Transportation Engineer

Attachment: Comment Chart

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8930 Limonite Avenue, Jurupa Valley, CA 92509-5183, (951) 332-6464  
[www.jurupavalley.org](http://www.jurupavalley.org)

**City of Jurupa Valley Comments on the Draft Environmental Impact Report for the West Valley Logistics Center Specific Plan.  
February 16, 2014**

Comment No.	Section	Page	Comment
1.	Transportation and Traffic		The applicant was asked to conduct the traffic analyses in the vicinity of the SR-60 interchanges. A review of the results listed in the traffic study tables show differences in the results from the previous EIR document. However, no supporting materials were provided with the traffic study to verify the analysis results. A review the results indicated some of the intersection analysis results showed substantially better LOS results than are currently being experienced in the field at those intersections. This significant discrepancy calls into question the accuracy of the simulation results. The supporting analysis documents must be included with the traffic study.
2.	Transportation and Traffic		The traffic study recommends mitigation along both Valley Way and Rubidoux Boulevard to address Project impacts, both project-specific and cumulative. However, the mitigation proposed would require the complete reconstruction of both interchanges and the SR-60 mainline to be implemented. These improvements are not currently included in any funding program, even as future unfunded projects. And, in some cases the improvements conflict with the General Plan designations within the City of Jurupa Valley. When mitigation measures are proposed, it is incumbent upon the lead agency to develop feasible measures and identify the constraints to implementing those measures in a timely manner. The traffic study does not adequately analyze the feasibility of mitigation measures, but simply states that if these infeasible measures are implemented, then the Project impacts will be mitigated.
3.	Transportation and Traffic		The traffic study identifies future cumulative impacts, but offers either no or grossly underestimated costs and project shares for funding those improvements. For example, the traffic study and supplemental document lists the cost of replacing the Valley Way and SR-60 interchange to be \$6 million. This estimate is likely only about 1/10 <sup>th</sup> of the cost to complete that work. As support for that cost, the construction-only cost for the

Comment No.	Section	Page	Comment
			<p>new I-10/Cherry interchange in Fontana is about \$62 million. That amount does not account for ROW acquisition and other environmental studies. Therefore, the costs provided and shares are deemed by the City of Jurupa Valley to be grossly underestimated and incorrect. Costs for the Rubidoux Boulevard and SR-60 improvements are not even listed in the projected costs tables and analyses.</p> <p>In addition, the traffic study and EIR both state that the Riverside County TUMF project will provide full funding for improvements within Riverside County and therefore no additional funding mechanism from this project is required. This statement is incorrect. The TUMF project does not provide for full funding of projects and does not provide funding to projects and improvements that are not on the TUMF project list or are on routes that are deemed to be complete and fully improved. Several of the mitigation measures listed are in those categories and would not be eligible for TUMF funding for even a portion of the project costs.</p> <p>Failure to provide and fund these identified improvements will result in the Project usurping all of the available capacity on key Jurupa Valley transportation corridors with little or no compensation to the City for confiscating that capacity and effectively limiting the ability of the City of Jurupa Valley to approve future development projects in the area due to the lack of adequate street capacity. The lack of adequate mitigation and funding will shift the burden of improving local streets onto future development projects and the City of Jurupa Valley.</p>
4.	Transportation and Traffic		<p>The EIR identifies multiple significant impacts that are directly attributable to the proposed Project but claims that the proposed Project should not be responsible for paying for the mitigation of a majority of those impacts since the improvements occur outside the City of Fontana's boundaries. The EIR uses incorrect assumptions to support the intent of the proposed Project to avoid paying the costs for Project-specific impacts and reasonable fair share amounts towards cumulative impacts.</p> <p>As a result, the EIR traffic study, its recommendations, conclusions, and the EIR analysis and conclusions that</p>

8-6  
cont.

8-7

Comment No.	Section	Page	Comment	
			are based on the traffic study, are considered by the City of Jurupa Valley Engineering Department to be deficient and inadequate under CEQA.	8-7 cont.
5.	Transportation and Traffic		TUMF Funding – The EIR states that "... TUMF funding provides funding for the buildout of the regional system's needed improvements...", and as a result concludes that no funds need to be collected for development in adjacent jurisdictions. This is incorrect. TUMF provides only partial funding of TUMF programmed projects along certain routes in Riverside County. It does not provide full funding, nor does it provide funding for non-programmed improvements and improvements along TUMF routes that are considered to be built out. Interchange improvements at SR-60 and Valley Way and Rubidoux Boulevard along with the intersection of Sierra Avenue and Armstrong Road and Market Street/20 <sup>th</sup> Street and Rubidoux Boulevard are not currently eligible for TUMF reimbursement. The conclusion that no funding of fair share or Project-related mitigation is needed across jurisdictional boundaries and is the responsibility of the local agency is therefore grossly incorrect. The EIR needs to impose all feasible mitigation measures, including the payment of correct fair share fees to address the traffic impacts in other jurisdictions.	8-8
6.	Transportation and Traffic		Project Design Considerations – The report proposes that a Transportation Management Agency (TMA) be developed as part of the Project. However, the EIR does not state if this TMA would be in place at Project opening or developed over time. The TMA as described would be self-reporting and self-regulating, which means it is highly unlikely that such an agency would be effective in policing its own violations with a "tenant-based" system. There is also no proposed punishment or penalties for violating rules, such as using non-designated streets in other jurisdictions, because the TMA would have no power to control such actions and would be relying on self-reported data to determine non-compliance.	8-9
7.	Transportation and Traffic		Construction Mitigation Measures – It is unclear if the routes to be used by construction vehicles will be designated outside of the City of Fontana boundaries. The EIR must analyze the impacts from proposed	8-10

Comment No.	Section	Page	Comment	
			construction routes, and impose enforceable mitigation measures to ensure that only designated construction routes are used.	8-10 cont.
8.	Transportation and Traffic		The City of Jurupa Valley does not have funds to mitigate Project-specific impacts for developments. The EIR must include a mitigation measure requiring that the Project proponents pay their fair share of all improvements within the City of Jurupa Valley that will be required due to the Project's traffic impacts.	8-11
9.	Transportation and Traffic		The report states that only limited mitigation funding would be made for impacts outside of the City of Fontana and therefore all impacts outside the City would be considered significant and unavoidable. The EIR tries to validate this avoidance of paying for mitigation by stating that "the City of Fontana cannot enforce another jurisdiction to install improvements prior to project operations". While the City of Fontana may not have direct control of the timing of improvements in adjacent jurisdictions, the City of Fontana must enforce a project to make or fund required and agreed upon mitigation in another jurisdiction prior to opening. The EIR and the Project are continuing to use the lack of direct control of these improvements as a means of avoiding paying for required mitigation in adjacent jurisdictions and the conclusion that the City of Fontana cannot enforce this upon the Project is incorrect.	8-12
10.	Transportation and Traffic		Mitigation Measure TRA-1d: Payment of DIF for Transportation – The paragraph states that the Project will make "fair share payments to the City of Fontana to fund the improvements needed to mitigate all impacts of the project within the City that would result in any intersection, freeway mainline segment, and/or ramp junction..." However, the EIR states that the Project's fair share of highway improvements for Caltrans facilities is only \$524 and payment to Riverside County (even though the impacts are in the City of Jurupa Valley) would be only \$19,160. The report goes on to state that all of the impacts to these other facilities would be significant and unavoidable as these payments would not begin to cover the costs for improvements required in the other jurisdictions.	8-13

Comment No.	Section	Page	Comment	
			Therefore, it appears to be the intent of the Project to burden the adjacent communities and agencies with the costs and poor operating conditions that will be created by this project and instead fund improvements within and that pass through the City of Fontana to selectively avoid certain facility impacts.	8-13 cont.
11.	Transportation and Traffic		The EIR states that in effect it would be infeasible for the WVLCSP to install needed improvements on property not owned by the applicant and outside of the City of Fontana. It is absolutely feasible for the Project to be required to fund/construct agreed-upon mitigation measures on property that the applicant does not own. These off-site improvements are routinely required of development projects both within in the City of Fontana and in adjacent jurisdictions.	8-14
12.	Transportation and Traffic		Both the EIR and traffic study state that the Riverside County TUMF Program would provide needed improvements within Riverside County. However, most of the impacts identified and left unmitigated by the Project are not eligible for TUMF funding and therefore have no funding mechanism attached to them. The report attempts to use this methodology to avoid any reasonable contribution to addressing impacts caused by the Project outside of the City of Fontana. This is contrary to the argument on other pages of the report stating that a project's impacts can be mitigated through the payment of fair-share fees towards identified mitigation. The result being that the impacts are attempting to be left unmitigated to avoid the payment of paying appropriate fees and not due to the inability to construct appropriate mitigation measures or make appropriate payments towards identified improvements.	8-15
13.	Transportation and Traffic	4.2.14-51	Table 4.2.14-18 – The table lists funding sources that are either not available to fund the identified mitigation or are no longer available sources since the mitigation listed is not on any programmed project list.	8-16
14.	Alternatives		The City of Fontana may not eliminate the alternative involving the extension of Alder Avenue south of Jurupa (Section 5.2.2) merely because the City Council for the City of Fontana has directed them to prevent truck trips from traveling along Sierra Avenue. If the	8-17

Comment No.	Section	Page	Comment
			alternative would meet most of the project objectives and avoid significant environmental effects, it must be considered.
15.	Alternatives		<p>Chapter 5 – Alternatives. The comments in this section are of a general nature due to the limited analysis conducted. The rejection of an alternative with access to Sierra Avenue was made by the City of Fontana due to the issue of Project traffic affecting adjacent residential neighborhoods in Fontana. However, the City does not seem to have that same concern with residential neighborhoods in the City of Jurupa Valley by inflicting significant impacts that are left unmitigated and routing 43% of the project’s truck traffic past the residential uses along the Rubidoux Boulevard corridor and locating a large trucking-based operation adjacent to the residential neighborhoods on Armstrong Road.</p> <p>The EIR attempts to deflect attention from which alternative may be environmentally superior by simply listing impacts as greater or reduced without specifying why an impact would be greater. For example, greenhouse gas impacts of a residential development may be on the surface greater, but measures such as enhanced transit service and other travel demand reduction measures can be implemented to mitigate the impacts. These same options are not available with a trucking operation and will result in additional diesel pollution in an area that is already in the worst 1% of the state for diesel particulate pollution. While the recreational demands of a residential project may be greater than those of a trucking operation, the adopted specific plan included recreational facilities to mitigate those impacts. From a transportation perspective, the adopted residential specific plan has fewer impacts to the surrounding transportation system than the proposed plan. The applicant and the City of Fontana are attempting to impose a multitude of unmitigated impacts on the City of Jurupa Valley.</p>
16.	Alternatives		The comparison of traffic impacts of this Alternative 2 and the proposed Project are based entirely on a comparison of the number of trips generated by each project. That comparison is directly based on the PCE factor chosen for the traffic impacts. As stated above, the EIR needs to use a more appropriate PCE factor

8-17  
cont.

8-18

8-19

Comment No.	Section	Page	Comment
			and explain why the chosen PCE factors are appropriate.
17.	Cumulative Impacts		<p>In order to adequately identify the Project's potential impacts, the Cumulative Projects List must include expected development in the Rio Vista Specific Plan area in the City of Jurupa Valley.<sup>1</sup> The Rio Vista Specific Plan is located between Armstrong Road and Rubidoux Boulevard.</p> <p>In addition, the Cumulative Projects List must include expected development in the Emerald Meadows Ranch Specific Plan, located just south of 30<sup>th</sup> Street on the east side of Rubidoux Boulevard.<sup>2</sup></p> <p>Build-out of these Specific Plan areas is reasonably foreseeable and these projects must be included on the Cumulative Projects List. Their development is probable and they are within the cumulative study area, just like the West Valley Specific Plan in the City of Colton, which is included on Page 6-4, and the Agua Mansa Industrial Corridor Specific Plan, included on Page 6-6. Without including the Rio Vista Specific Plan and the Emerald Meadows Ranch Specific Plan, the cumulative impacts analysis is inadequate under CEQA.</p> <p>The significant volumes of traffic generated by both plans that have not been accounted for in the analyses would make the results of the cumulative analysis inaccurate and inadequate under CEQA.</p>

8-19

8-20

<sup>1</sup> As of May 30, 2014, the Rio Vista Specific Plan was available at the following website:  
[http://planning.rctlma.org/Portals/0/splans/sp\\_document/sp243/sp243\\_summary.pdf](http://planning.rctlma.org/Portals/0/splans/sp_document/sp243/sp243_summary.pdf).

<sup>2</sup> As of June 4, 2014, the Emerald Meadows Ranch Specific Plan was available at the following website:  
[http://planning.rctlma.org/Portals/0/splans/sp\\_document/sp337/sp337\\_planstan.pdf](http://planning.rctlma.org/Portals/0/splans/sp_document/sp337/sp337_planstan.pdf).



## 2.6.8 City of Jurupa Valley

**Note:** The City of Jurupa Valley also provided comments on the current, 2<sup>nd</sup> RDEIR. Please refer to Responses to Comments CJV-1 through CJV-52 for Jurupa Valley's comments on the 2<sup>nd</sup> RDEIR that is being currently being considered by the Lead Agency, along with the Lead Agency's responses to those comments.

### Response to Comment 8-1

The 1<sup>st</sup> RDEIR was transmitted to the City of Jurupa Valley Planning Division at the start of its 45-day review period. A certified mail receipt was signed for by the City and is part of the administrative record for the West Valley Logistics Center project. Specific responses to the general comment regarding the adequacy of the EIR are presented in Responses 8-4 through 8-20. The City of Jurupa Valley was also provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52).

### Response to Comment 8-2

Because the applicant proposed revisions to its truck routing plan, the 1<sup>st</sup> RDEIR was, in fact, recirculated. The City of Jurupa Valley was also provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### Response to Comment 8-3

Comment 8-3 provides contact information at the City of Jurupa Valley, and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### Response to Comment 8-4

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### Response to Comment 8-5

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-6**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-7**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-8**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-9**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-10**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-11**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided

extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-12**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-13**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-14**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-15**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-16**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley's review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-17**

The 1<sup>st</sup> RDEIR includes a “Proposed Project with No Prohibition on Trucks Using Sierra Avenue Alternative” (Alternative 6), which would involve the extension of Alder Avenue south of Jurupa Avenue to meet the west leg of Locust Avenue-Armstrong Street at 7<sup>th</sup> Street. Under Alternative 6, project-related trucks would be permitted to use Sierra Avenue north of the project. All other project components and features would be the same as for the proposed project, including automotive trip assignments.

### **Response to Comment 8-18**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley’s review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-19**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley’s review of the 2<sup>nd</sup> RDEIR).

### **Response to Comment 8-20**

This comment references an outdated TIA prepared for the 1<sup>st</sup> RDEIR. The study addressed in this comment was updated and was not used for the 2<sup>nd</sup> RDEIR. The City of Jurupa Valley was provided with the 2<sup>nd</sup> RDEIR at the start of its public review period. The City of Jurupa Valley provided extensive comments on the 2<sup>nd</sup> RDEIR superseding its comments on the 1<sup>st</sup> RDEIR (see Comments and Responses to Comments CJV-1 through CJV-52 for discussion of the City of Jurupa Valley’s review of the 2<sup>nd</sup> RDEIR).

Letter 9



Edmund G. Brown Jr.  
Governor

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



Ken Alex  
Director

February 3, 2015

Orlando Hernandez  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

Subject: West Valley Logistics Center Specific Plan (WVLCSP)  
SCH#: 2012071058

Dear Orlando Hernandez:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on February 2, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

9-1

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

9-2

Sincerely,

Scott Morgan  
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012071058  
**Project Title** West Valley Logistics Center Specific Plan (WVLCSP)  
**Lead Agency** Fontana, City of

**Type** EIR Draft EIR  
**Description** The WVLC Specific Plan proposes approximately 3,473,690 sf of industrial development on approximately 212 acres with 14.9 acres developed as a detention basin, 55.23 acres retained in natural hillside open space, and right-of-way dedications on an 291-acre site bisected by Armstrong Avenue on predominately undeveloped land in the City of Fontana, in the southwest "Valley Region" of San Bernardino County. Seven industrial buildings are proposed with industrial and office space within industrial buildings. The proposed Specific Plan amendment would replace the site's existing Valley Trails Specific Plan and residential land use designation with the WVLC Specific Plan and industrial designations and would remove the residential units, recreation facilities and elementary school from the proposed development.

**Lead Agency Contact**

**Name** Orlando Hernandez  
**Agency** City of Fontana  
**Phone** (909) 350-6602 **Fax**  
**email**  
**Address** 8353 Sierra Avenue  
**City** Fontana **State** CA **Zip** 92335

**Project Location**

**County** San Bernardino  
**City** Fontana  
**Region**  
**Lat / Long** 34° 2' 14" N / 117° 24' 42" W  
**Cross Streets** Bisected by Armstrong Avenue and Locust Avenue, south of Jurupa Avenue  
**Parcel No.**  
**Township** 1S **Range** 5W **Section** 31 **Base** SBB&M

**Proximity to:**

**Highways** I-10, SR 60  
**Airports**  
**Railways**  
**Waterways**  
**Schools** Zimmerman, Bloomington  
**Land Use** Z: SP, R-PC  
 GP: Residential

**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Air Resources Board; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

**Date Received** 12/18/2014 **Start of Review** 12/18/2014 **End of Review** 02/02/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

## **2.6.9 Governor's Office of Planning and Research**

### **Response to Comment 9-1**

Comment 9-1 acknowledges the close of the 45-day public review period for the 1<sup>st</sup> RDEIR on February 2, 2015, and notes that the City of Fontana has "complied with State clearinghouse review requirements." As such, this comment raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.

### **Response to Comment 9-2**

Comment 9-2 provides a contact number for the State Clearinghouse and raises no significant environmental issues regarding the 2<sup>nd</sup> RDEIR or its analyses and conclusions.





## Chapter 3

# EIR Errata and Additions

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This chapter contains revisions to the text of the 2<sup>nd</sup> Recirculated Draft Environmental Impact Report (RDEIR) for the West Valley Logistics Center Specific Plan (WVLCSP), dated February 2018. For each revision to the 2<sup>nd</sup> RDEIR, the following information is presented:

- 2<sup>nd</sup> RDEIR page number where the revision occurs;
- The specific response to comment where the revision to the 2<sup>nd</sup> RDEIR is discussed;
- A description of the revision (e.g., add, revise, or delete text); and
- The text of the revision. Changes in text are shown in either strikeout (~~deleted text~~) where text has been removed or in underline (added text) where text has been added.

## 3.1 Executive Summary

### Page ES-15

**Comment EEJG-20. REVISE** Mitigation Measure AQ-7 to read as follows:

**Mitigation Measure AQ-7: Submit Construction Plans.** Prior to the issuance of any grading permits, the applicant and/or building operators shall submit construction plans and a construction vehicle management plan to the City of Fontana denoting the proposed schedule and projected equipment use. The construction vehicle management plan will include such things as: specifying idling time requirements; requiring hour meters on equipment; and documenting the serial number, horsepower, age, and fuel of all on-site equipment.

The plan shall include that California state law requires equipment fleets to limit idling to no more than 5 minutes. Construction contractors shall provide evidence that the standards contained in Mitigation Measure AQ-2 are met concerning non-road construction equipment greater than 50 horsepower to ensure low emission mobile construction equipment will be utilized, ~~or that its use was investigated and found to be infeasible for the project as determined by the City of Fontana.~~ Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City of Fontana Community Development Planning Staff.

### Page ES-16

**Comment EEJG-22. REVISE** Mitigation Measure AQ-10 to read as follows:

**Mitigation Measure AQ-10: Incorporate EPA SmartWay Features.** The City shall require operators of the project to ensure that ~~haul~~ heavy-duty trucks incorporate EPA SmartWay features, as required by ~~CARB~~ law. Project operators shall maintain a daily log of incoming and outgoing haul trucks ~~that~~ documenting that heavy-duty trucks are fitted with compliant ~~the combination of~~ aerodynamic kits and low rolling resistance tires to reduce aerodynamic drag and tire rolling resistance forces, thereby reducing fuel consumption and resulting GHG emissions by approximately 4%–5% as identified in the regulation.

## Pages ES-16, 17

**Comment EEJG-23. REVISE** Mitigation Measure AQ-14 to read as follows:

**Mitigation Measure AQ-14: Provide Ridesharing and Transit Incentives.** The project will reduce vehicle miles traveled and emissions associated with trucks and vehicles by implementing the following measures:

- Pedestrian and bicycle connections, including sidewalks, bicycle lanes, and trails, shall be provided to surrounding areas in accordance with City requirements and policies for pedestrian and bicycle facilities set forth in ~~consistent with~~ the City's Municipal Code and General Plan.
- A Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall establish and coordinate a carpooling program, including traditional carpooling as well as web-based “car sharing”/“ride sharing”; and reserve car sharing vehicles. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees including subsidizing use of transit by employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pick-up time. The TMA shall distribute public transportation information to project site employees. The TMA shall provide message board space and web-based page for coordination rides.
- Preferential parking for carpools and vanpools shall be provided on each warehouse site.

## Page ES-37

**Comment EEJG-30. REVISE** Mitigation Measure GHG-1 to read as follows:

**Mitigation Measure GHG-1: Provide Solar-Ready Installations on Roofs:** All buildings shall be designed to be “solar ready” ~~to facilitate the future installation of~~ provide rooftop solar energy systems except in rooftop areas where avian habitat feature areas will be created using rooftop plantings of Riversidean sage scrub (RSS) habitat plant species to create vegetative substrate that could facilitate avian species’ access east-west dispersal between to the proposed 55.23-acre on-site RSS conservation area and nearby undeveloped RSS habitats.

## Page ES-39

**Comment RTA-5. Mitigation Measure HAZ-2. REVISE** to read as follows:

**Mitigation Measure HAZ-2: Clear Materials that Could Serve as Fire Fuel from Construction Areas.** Prior to ground clearing, grading and other ground disturbance construction activities contractors will clear areas of dry vegetation or other potential fire fuels on or near staging areas, welding areas, or any other areas on which equipment will be operated. The City will require contractors to maintain areas subject to construction activities clear of combustible natural materials ~~to the extent feasible~~ to maintain firebreaks and minimize the availability of fire fuels. Proposed staging areas to be cleared will be identified with the assistance of a qualified biologist to avoid conflicts with policies to preserve protected habitat areas. Staging and clearing will not be permitted in protected habitat areas. This requirement will be included on project construction plan specifications and reviewed for approval by the Fontana Fire Protection District prior to issuance of grading permits.

## Page ES-59

**Comment CJV-36. Mitigation Measure TRA-1a. REVISE** to read as follows:

**Mitigation Measure TRA-1a: Develop and Implement a Construction Management Plan.**

Prior to the issuance of construction permits, the project applicant shall develop and implement a Construction Management Plan to the satisfaction of (1) the City of Fontana Traffic Engineer, (2) ~~and~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, and (3) the Jurupa Valley Public Works Department for roadways within Jurupa Valley that shall:

- Designate traffic control for any street closure, detour, or other disruption to traffic circulation.
- Identify the routes that construction vehicles will use for the delivery of construction materials (e.g., lumber, tiles, piping, windows) to access the site, including any needed traffic controls and detours. Such routes shall be consistent with the truck routing set forth in the project's Truck Management Plan.
- Specify the hours during which site deliveries and off-site hauling can occur and methods to mitigate construction-related impact to adjacent streets.
- Require the contractor to keep all haul routes clean and free of debris, including, but not limited to, gravel and dirt as a result of construction activities. The applicant shall clean adjacent streets, as directed by the City Traffic Engineer (or a designated representative) within the City of Fontana or the San Bernardino County Public Works Director (or a designated representative) for roadways within unincorporated County areas of any materials that may have been spilled, tracked, or blown onto adjacent streets or areas.
- Allow hauling or transport of oversize loads between 9:00 AM and 3:00 PM only, Monday through Friday, unless approved otherwise by the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays.
- Prohibit use of local streets not specifically approved by the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.
- Require haul trucks entering or exiting public streets to yield to public traffic.
- Provide a flag person at the intersection of Armstrong Road and Locust Avenue and any other intersections deemed necessary by the City Traffic Engineer within the City of Fontana or the San Bernardino County Public Works Director for roadways within unincorporated County areas to ensure that vehicle conflicts between haul trucks and all other vehicles are minimized.
- Require that if hauling operations are determined to have caused any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs will be completed by the project's contractor to the satisfaction of the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino

County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.

- Require all construction-related parking and staging of vehicles to be kept out of the adjacent public roadways and instead be kept on site.
- Meet the standards established in the current California Manual on Uniform Traffic Control Devices, as well as City of Fontana requirements within the City of Fontana, ~~and San Bernardino County requirements within unincorporated County areas,~~ or Jurupa Valley requirements within Jurupa Valley.
- Identify adequate access points for emergency vehicles and ensure emergency personnel would be able to identify these access points by providing a flagman, signage, or other indicator to effectively communicate emergency access during construction.

## Page ES-61

**Comment SBC-13. REVISE** Mitigation Measure TRA-1c to read as follows:

**Mitigation Measure TRA-1c: Payment of Development Impact Fees for Transportation Improvements.** Prior to the issuance of occupancy permits for a building within the WVLCSP, the applicant shall make fee payments to fund the improvements needed to mitigate the project's contribution to impacts on intersections, freeway mainline segments, and/or ramp junctions. Such fee payments will include:

City of Fontana Development Impact Fee (DIF), which represents the project's required fee to mitigate impacts to both regional (~~Nexus Study Regional Transportation Development Mitigation Program~~) and additional local facilities, including:

- Alder Avenue/Santa Ana Avenue (TIA Intersection #11);
- Locust Avenue/Santa Ana Avenue intersection (TIA Intersection #19); and
- Linden Avenue/Slover Avenue (TIA Intersection #42).
- Fair share payment to San Bernardino County to install a traffic signal at the Alder Avenue/Slover Avenue intersection (TIA Intersection #10) that is not included in the ~~Nexus Study Regional Transportation Development Mitigation Program~~. Fair share payment for the WVLCSP will be at the same rate being charged by the County for projects within the unincorporated area.

## Page ES-62

**Comment SBC-13. REVISE** Mitigation Measure TRA-1e to read as follows:

**Mitigation Measure TRA-1e: Payment of Development Impact Fees for Transportation Improvements.** Prior to the issuance of occupancy permits for a building within the WVLCSP, the applicant shall make fee payments to the City to fund the improvements needed to mitigate the project's contribution to cumulative impacts on intersections that would operate at an unacceptable LOS (or a further unacceptable LOS) in 2035. Such fee payments, based on unique traffic flow and the distribution of truck trips outside of the City of Fontana, will include:

City of Fontana Development Impact Fee (DIF), which represents required fee for mitigation of impacts to both regional (~~Nexus Study~~ Regional Transportation Development Mitigation Program) and additional local facilities;

Fair share payments to San Bernardino County as mitigation for the project's contribution of traffic and the need for the improvements described in the WVLCSP TIA (Appendix L) at the following locations:

- Sierra Avenue/Slover Avenue (#3)
- Production Avenue/Slover Avenue (#6)
- Tamarind Avenue/Slover Avenue (#8)
- Alder Avenue/Slover Avenue (#10)
- Laurel Avenue/Slover Avenue (#14)
- Cedar Avenue/Valley Boulevard (#43)
- Cedar Avenue/Slover Avenue (#47)
- Cedar Avenue/Jurupa Avenue (#49)
- Cedar Avenue/7<sup>th</sup> Street (#51)
- Cedar Avenue/Rubidoux Boulevard/El Rivino Road (#52)

### Page ES-78

**Comment SBC-13. REVISE** traffic regulatory requirement to read as follows:

#### *Regulatory Requirements*

**Regulatory Requirement RR-TR-1:** Pay San Bernardino County Regional Transportation Development Mitigation ~~Nexus~~ Fees and City of Fontana Development Impact Fees for Roadway Improvements.

## 3.2 Section 1.6.4, Other Agency Uses

### Page 1-10

**Comment WVWD-5. REVISE** this section to read as follows:

There are other various public agencies and jurisdictions that have a particular interest in the proposed project but have no discretionary authority or jurisdiction over it. The following agencies would serve only to review and comment on the technical information pertinent to each agency's specific field of interest and expertise.

- San Bernardino County Department of Public Works
- San Bernardino County Department of Public Health, Division of Environmental Health
- California Department of Toxic Substances Control
- South Coast Air Quality Management District

- City of Riverside Public Works Department
- City of Jurupa Valley Public Works Department
- West Valley Water District

### 3.3 Section 3.2.1, Off-site Areas Affected by the Project

#### Page 3-2

**Comment WVWD-3. REVISE** this section to read as follows:

As part of the Specific Plan implementation, improvements would be required outside of the proposed project site as described below.

Off-site improvements on Linden Avenue (between Santa Ana and 11<sup>th</sup> Street) and on 11<sup>th</sup> Street (between Linden Avenue and Locust Avenue) would be constructed as part of the project, along with a new lift station on 11<sup>th</sup> Street at Linden Avenue. In addition, a 12-inch water line would be constructed as part of the project within Santa Ana Avenue between Alder Avenue and Locust Avenue. These off-site utility improvements would be required for implementation of the project and would be within existing public rights-of-way and existing utility easements. In addition, off-site roadway improvements will be provided as discussed in Section 3.4.3, *Circulation Improvements*, below. The primary off-site roadway improvements include widening and pavement improvements to Locust Avenue from Jurupa Avenue north to Slover Avenue and improvements along the south side of Jurupa Avenue from Locust Avenue east to Kessler Park.

Final designs of each improvement within unincorporated San Bernardino County would be coordinated with the County.

### 3.4 Section 3.4.3, Circulation Improvements

#### Page 3-11

**Comment SBC-13. REVISE** bullets under Improvements and Traffic Management Measures along Truck Routes Outside of Specific Plan Area to read as follows:

- Widen Locust Avenue between Jurupa Avenue and Slover Avenue to provide four travel lanes with a pavement section adequate to support proposed truck traffic.
  - *Locust Avenue/Slover Avenue* intersection: provide northbound left-turn lane, westbound left-turn lane, and northbound right-turn lane.
- Provide full half-width roadway improvements along the south side of Jurupa Avenue from Locust Avenue to Kessler Park, where full half-width improvements along the south side of Jurupa Avenue are currently in place.
- Widen the westbound approach of Jurupa Avenue to Locust Avenue to accommodate a westbound left-turn pocket.

- Provide traffic signals at the following intersections:
  - Locust Avenue/Jurupa Avenue (construct)
  - Locust Avenue/11<sup>th</sup> Street (construct)
  - Locust Avenue/7<sup>th</sup> Street (construct)
  - Linden Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County as part of intersection improvements funded under the Transportation Development Mitigation Program Nexus Study)
  - Maple Avenue/Slover Avenue (pay full cost of signalization, installation to be undertaken by San Bernardino County)
- Payment of fair share fees
  - San Bernardino County Transportation Authority's Transportation Development Mitigation Program Nexus Study
  - City of Fontana Development Impact Fee
  - To the County of San Bernardino for:
    - Alder Avenue/Slover Avenue (fair share payment for signalization that is not included as part of the Transportation Development Mitigation Program Nexus Study. Development within the Specific Plan will provide fair share payments at the same rate as the County is collecting from projects within the adjacent unincorporated area)

### 3.5 Section 2.4.5, Sustainability Features

Page 3-16, Table 3-3

Comment KD3-5. REVISE reference in Table 3-3 to refrigeration for trucks as follows:

Green Infrastructure and Building-level Sustainability	Electrical outlets would be provided in loading dock areas to provide power for trucks <del>when refrigeration is proposed. This allows trucks with refrigerated cargo</del> to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.	Air Quality, GHG Emissions, Noise
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### 3.6 Section 3.6.1, Specific Plan Requirements

Page 3-24

Comment EEJG-30. REVISE Specific Plan Requirement SP-AQ-3 to read as follows:

SP-AQ-3: ~~Request~~ Require Contractors and Building Operators to Use 2010 Model Year or Particulate Matter Traps ~~on~~ for All On-road Heavy-Duty Diesel Trucks. The project will ~~request~~ require contractors and building operators (by contract specifications) ~~that to utilize~~ on-road heavy-duty diesel trucks ~~with a gross vehicle weight rating greater than 14,000 pounds have~~

~~having a 2010 model year engine or newer or are equipped with a particulate matter trap, as available.~~

### Page 3-25

**Comment KD3-5. REVISE** Specific Plan Requirement SP-GHG-4 to read as follows:

**SP-GHG-4: Provide Electrical Connections at Loading Docks.** Electrical outlets will be provided in loading dock areas to provide power for trucks ~~when refrigeration is needed. This allows trucks with refrigerated cargo~~ to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.

### Page 3-32

**Comment SBC-13. REVISE** Specific Plan Requirement SP-TR-2 to read as follows:

**SP-TR-2: Feasibility Studies and Fair Share Payments.** In addition to the physical improvements included in SP-TR-1, the West Valley Logistics Center Specific Plan (Specific Plan) includes the following requirements:

- Payment of fair share fees in addition to ~~Nexus Study Regional Transportation Development Mitigation Program~~ and Fontana Development Impact Fees to the County of San Bernardino for:
  - Alder Avenue/Slover Avenue (fair share payment for signalization that is not included as part of the ~~Regional Transportation Development Mitigation Program Nexus Study~~. Development within the Specific Plan will provide fair share payments at the same rate as the County of San Bernardino is collecting from projects within the adjacent unincorporated area); and
  - Cedar Avenue/Slover Avenue (fair share payment for intersection improvements).
- The Specific Plan will prepare a feasibility study for the Valley Way/State Route 60 interchange for which no feasible improvements to achieve acceptable levels of operation have been identified to date and, as a consequence, no improvement program has been established to which a fair share payment for improvements can be made. The proposed feasibility study would aim to identify feasible improvements that could be undertaken at the interchange to improve existing and future levels of service, even if applicable service level standards could not be met.
- Work with the cities of Fontana and Jurupa Valley to identify Armstrong Road south of the southernmost West Valley Logistics Center driveway as not a truck route and to place appropriate signage along Armstrong Road prohibiting trucks except for local deliveries.
- Work with the California Department of Transportation to place signs along State Route 60 indicating that trucks are not permitted on Armstrong Road north of the freeway, and directing eastbound trucks to exit at Rubidoux Boulevard and westbound trucks to exit at Market Street.

### Page 3-43

**Comment SBC-13. REVISE** traffic regulatory requirement to read as follows:



### ***Regulatory Requirements***

**RR-TR-1: Pay San Bernardino County ~~Nexus Study~~ Regional Transportation Development Mitigation Program and City of Fontana Development Impact Fees for Roadway Improvements.** The West Valley Logistics Center Specific Plan will pay applicable fees per the San Bernardino County ~~Nexus Study~~ Regional Transportation Development Mitigation Program fee program and the City of Fontana's development impact fee for industrial land use at the established rates at the time of building permit issuance.

## **3.7 Section 3.6.2, Regulatory Requirements**

### **Page 3-37**

**Comment NAHC-2. REVISE** Regulatory Requirement RR-C-2 to read as follows:

**RR-C-2: Comply with Requirements if Unanticipated Discovery of Human Remains Occurs.** If human remains are discovered or recognized during construction-related activities, State Health and Safety Code Section 7050.5 requires there to be no further excavation or disturbance of the immediate location of the remains until the County coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are determined by the coroner to be of Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), which will then identify a most likely descendant (§7050.5; Public Resources Code §5097.98). The most likely descendant will have 48 hours after being granted access to the site to make a recommendation to the landowner as to the means of treating or disposing of the human remains and any associated grave goods with appropriate dignity, as stipulated in California Public Resources Code §5097.98. Upon discovery of human remains, the landowner will ensure that the immediate vicinity is not damaged or disturbed until specific conditions are met through discussions with the descendants regarding their preferences for treatment. If the NAHC is unable to identify a descendant, or the descendant fails to respond within 48 hours after being notified by the NAHC, the landowner is required to reinter the human remains on the property and to protect the site where the remains were reinterred from further and future disturbance. According to the State Health and Safety Code, six or more human burials at one location constitute a cemetery (§8100), and disturbance of Native American cemeteries is a felony (§7052).

## **3.8 Section 4.2.2, Air Quality**

### **Page 4.2.2-25**

**Comment EEJG-30 and SCAQMD-12. REVISE** Specific Plan Requirement SP-AQ-3 to read as follows:

**SP-AQ-3: Require Contractors and Building Operators to Use 2010 Model Year or Particulate Matter Traps ~~on~~ for All On-road Heavy-Duty Diesel Trucks.** The project will require contractors and building operators (by contract specifications) to utilize on-road heavy-duty diesel trucks ~~with a gross vehicle weight rating greater than 14,000 pounds~~ having a 2010 model year engine or newer ~~or are~~ equipped with a particulate matter trap, ~~as available~~.

### Page 4.2.2-26

**Comment KD3-5. REVISE** Specific Plan Requirement SP-GHG-4 to read as follows:

**SP-GHG-4: Provide Electrical Connections at Loading Docks.** Electrical outlets will be provided in loading dock areas to provide power for trucks ~~when refrigeration is needed. This allows trucks with refrigerated cargo~~ to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.

### Page 4.2.2-35

**Comment KD3-5. REVISE** third and fourth paragraphs to read as follows:

~~No refrigerated warehouse space is proposed within the project site. However, even without refrigerated warehouse space, there may be some loads delivered to warehouses within the project site that need to be kept cooled. Because the use of refrigerants is dependent on the specific businesses that will ultimately occupy the project site, details regarding refrigerants to be used on the project site are unknown at this time. Based on information from the industrial real estate broker, Lee & Associates, of the 1,058 available industrial building spaces over 100,000 square feet in size that Lee & Associates is tracking, only five are identified as being climate controlled (J. Smith pers. comm. October 13, 2014). Recognizing that tenants might install climate controlled warehouse space after leasing a building, Lee & Associates estimates that no more than 2 percent of the warehouse buildings would install climate-controlled storage space, which would typically encompass 10 to 20 percent of total warehouse area in those buildings. To provide a worst-case analysis, it was assumed that 5 percent of trucks serving the project site and up to 5 percent of the warehouse area within the site would could be climate controlled.~~

In addition, as provided by **Specific Plan Requirement SP-GG-4**, electrical outlets would be provided in loading dock areas to provide power for trucks ~~when refrigeration is needed. This allows trucks with refrigerated cargo~~ to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site. Additionally, perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used on the project site. Therefore, it is not anticipated that the project would contribute significant emissions of these additional chemicals.

### Pages 4.2.2-37 to 4.2.2-38

**Comment EEJG-20. REVISE** Mitigation Measure AQ-7 to read as follows:

**Mitigation Measure AQ-7: Submit Construction Plans.** Prior to the issuance of any grading permits, the applicant and/or building operators shall submit construction plans and a construction vehicle management plan to the City of Fontana denoting the proposed schedule and projected equipment use. The construction vehicle management plan will include such things as: specifying idling time requirements; requiring hour meters on equipment; and documenting the serial number, horsepower, age, and fuel of all on-site equipment.

The plan shall include that California state law requires equipment fleets to limit idling to no more than 5 minutes. Construction contractors shall provide evidence that the standards contained in Mitigation Measure AQ-2 are met concerning non-road construction equipment greater than 50 horsepower to ensure low emission mobile construction equipment will be

utilized, or that its use was investigated and found to be infeasible for the project as determined by the City of Fontana. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City of Fontana Community Development Planning Staff.

### Page 4.2.2-38

**Comment EEJG-22. REVISE** Mitigation Measure AQ-10 to read as follows:

**Mitigation Measure AQ-10: Incorporate EPA SmartWay Features.** The City shall require operators of the project to ensure that ~~haul~~ heavy-duty trucks incorporate EPA SmartWay features, as required by ~~CARB law~~. Project operators shall maintain a daily log of incoming and outgoing haul trucks ~~that documenting that heavy-duty trucks~~ are fitted with compliant ~~the combination of aerodynamic kits and low rolling resistance tires to reduce aerodynamic drag and tire rolling resistance forces, thereby reducing fuel consumption and resulting GHG emissions by approximately 4%–5% as identified in the regulation.~~

### Page 4.2.2-38, 39

**Comment EEJG-23. REVISE** Mitigation Measure AQ-14 to read as follows:

**Mitigation Measure AQ-14: Provide Ridesharing and Transit Incentives.** The project will reduce vehicle miles traveled and emissions associated with trucks and vehicles by implementing the following measures:

- Pedestrian and bicycle connections, including sidewalks, bicycle lanes, and trails, shall be provided to surrounding areas in accordance with City requirements and policies for pedestrian and bicycle facilities set forth in ~~consistent with~~ the City's Municipal Code and General Plan.
- A Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall establish and coordinate a carpooling program, including traditional carpooling as well as web-based "car sharing"/"ride sharing"; and reserve car sharing vehicles. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees including subsidizing use of transit by employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pick-up time. The TMA shall distribute public transportation information to project site employees. The TMA shall provide message board space and web-based page for coordination rides.
- Preferential parking for carpools and vanpools shall be provided on each warehouse site.

## 3.9 Section 4.2.3, Biological Resources

**Pages 4.2.3-23 through 4.2.3-25**

**Comment EEJG-39. REVISE** Mitigation Measure BIO-1 to read as follows:

**Mitigation Measure BIO-1: Pre-construction Focused Surveys of Proposed Conservation Area and Development Area to Confirm Absence of Special-Status Species.**

**Focused Survey for Coastal California Gnatcatcher within 300 feet of the Conservation Area Construction Fence.** A protocol-level focused survey for CAGN shall be conducted by a qualified ornithologist in the spring prior to project development to determine whether CAGN have colonized the RSS habitat within 300 feet of the location where the conservation area fencing will be installed.

If CAGN are found to occur within 300 feet of the conservation area construction fence line or water pipeline construction area, an avoidance buffer no less than 300 feet shall be established around the occupied nest(s). All work within 300 feet of the active nest will be prohibited until all young have fledged and the nest is confirmed by a qualified biologist to be no longer active. If avoidance is not feasible, consultation with USFWS will be necessary to determine whether an Individual Take Permit is required.

**Preconstruction Surveys within the Proposed Conservation Area for San Diego Black-tailed Jackrabbit.** At least 48 hours prior to initiation of water pipeline construction activities, the 5.2-acre construction area shall be surveyed to confirm the absence of San Diego black-tailed jackrabbits. If individuals of the species are observed within the construction footprint, their movements shall be monitored until it can be confirmed that each individual has left the pipeline construction area. After that, exclusion fencing shall be established to prevent individuals of the species from re-entering the construction area during construction.

**Pre-construction Survey within the Proposed Development Area for Western Burrowing Owl.** The project applicant shall retain a qualified biologist to conduct preconstruction surveys for burrowing owls no fewer than 14 days prior to any ground-disturbing activities, to be repeated 24 hours prior to grading. The preconstruction surveys shall be approved by the City of Fontana Director of Community Development and conducted in accordance with current survey protocols provided in the CDFW Staff Report on Burrowing Owl Mitigation (March 7, 2012). In the event a burrowing owl is found to be present on site during the preconstruction survey, the project applicant shall ensure that the applicable avoidance measures outlined in the CDFW Staff Report on Burrowing Owl Mitigation (March 7, 2012) are applied to the proposed project (e.g., avoid direct impacts to occupied burrows during nesting season). Any active avoidance measures during the breeding season must to be coordinated with CDFW.

**Pre-construction Nesting Bird Survey of the Proposed Development Area.** Nesting birds are protected pursuant to the MBTA and California Fish and Game Code. If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (January 1 to August 31), a pre-construction clearance survey for nesting birds shall be completed no more than 3 days prior to ground disturbance. This will ensure that no nesting birds adjacent to the construction area will be disturbed during construction. If nesting birds are found, an avoidance buffer no less than 300 feet shall be established around the nest until all young have fledged and the nest is confirmed by a qualified biologist to be no longer active.

**Pre-construction Surveys for Special-Status Plants:** Prior to construction, or any other project site development-related ground disturbance activities including vegetation removal within RSS habitat that would occur during water pipeline construction, the applicant shall conduct pre-construction presence/absence surveys for Plummer's mariposa lily, Parry's

spineflower, and paniculate tarplant by a qualified botanist. Surveys shall be conducted in accordance with CNPS and CDFW rare plant survey guidelines and shall be conducted during the flowering period when each species is most readily identifiable. A botanist shall determine the blooming period for each species and verify blooming during the growing season by visiting a reference site to observe if the target species is flowering or otherwise identifiable. A species-specific survey may be required for each special-status plant depending upon the blooming period.

Any special-status plant populations shall be mapped in the field. If the presence of any special-status plant species is confirmed, a copy of the survey results shall be forwarded to CDFW for entry into the CNDDDB. In the event that special-status plants are not identified within the WVLCSP development areas, including areas used for construction, no further action is required.

If special-status species are determined to be present within the RSS habitat, then prior to issuance of project grading permit, a 5-year on-site restoration mitigation and monitoring program subject to CDFW review and to be included as part of the Streambed Alteration Agreement shall be developed and implemented for any planting areas established to mitigate impacts on special-status plant species. Restoration success criteria shall include:

- 1) Establishment of mitigation site(s) within the conservation area, where plant restoration will occur.
- 2) Identification by a qualified botanist of an appropriate plant palette and restoration methodology compatible with the specific affected special-status species. Mitigation sites could include existing RSS habitat areas in the preservation area, depending on site conditions and locations of special-status plants found.

## 3.10 Section 4.2.4, Cultural Resources

### Page 4.2.4-10

**Comment NAHC-2. REVISE** Regulatory Requirement RR-C-2 to read as follows:

**RR-C-2: Comply with Requirements if Unanticipated Discovery of Human Remains Occurs.** If human remains are discovered or recognized during construction-related activities, State Health and Safety Code Section 7050.5 requires there to be no further excavation or disturbance of the immediate location of the remains until the County coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are determined by the coroner to be of Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), which will then identify a most likely descendant (§7050.5; Public Resources Code §5097.98). The most likely descendant will have 48 hours after being granted access to the site to make a recommendation to the landowner as to the means of treating or disposing of the human remains and any associated grave goods with appropriate dignity, as stipulated in California Public Resources Code §5097.98. Upon discovery of human remains, the landowner will ensure that the immediate vicinity is not damaged or disturbed until specific conditions are met through discussions with the descendants regarding their preferences for treatment. If the NAHC is unable to identify a descendant, or the descendant fails to respond within 48 hours after being notified by the NAHC, the landowner is required to reinter the human remains on the property and to protect the site where the remains were

reinterred from further and future disturbance. According to the State Health and Safety Code, six or more human burials at one location constitute a cemetery (§8100), and disturbance of Native American cemeteries is a felony (§7052).

### 3.11 Section 4.2.5, Energy Resources

#### Page 4.2.5-11

**Comment KD3-5. REVISE** Specific Plan Requirement SP-GHG-4 to read as follows:

**SP-GHG-4: Provide Electrical Connections at Loading Docks.** Electrical outlets will be provided in loading dock areas to provide power for trucks ~~when refrigeration is needed. This allows trucks with refrigerated cargo~~ to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.

### 3.12 Section 4.2.7, Greenhouse Gas Emissions

#### Page 4.2.7-37

**Comment KD3-5. REVISE** Specific Plan Requirement SP-GHG-4 to read as follows:

**SP-GHG-4: Provide Electrical Connections at Loading Docks.** Electrical outlets will be provided in loading dock areas to provide power for trucks ~~when refrigeration is needed. This allows trucks with refrigerated cargo~~ to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.

#### Page 4.2.7-42

**Comment EEJG-30. REVISE** Mitigation Measure GHG-1 to read as follows:

**Mitigation Measure GHG-1: Provide Solar-Ready Installations on Roofs:** All buildings shall be designed to be “solar ready” to facilitate the future installation of provide rooftop solar energy systems except in rooftop areas where avian habitat feature areas will be created using rooftop plantings of Riversidean sage scrub (RSS) habitat plant species to create vegetative substrate that could facilitate avian species’ access east-west dispersal between to the proposed 55.23-acre on-site RSS conservation area and nearby undeveloped RSS habitats.

### 3.13 Section 4.2.8, Hazards and Hazardous Materials

#### Page 4.2.8-29

**Comment RTA-5. Mitigation Measure HAZ-2. REVISE** to read as follows:

**Mitigation Measure HAZ-2: Clear Materials that Could Serve as Fire Fuel from Construction Areas.** Prior to ground clearing, grading and other ground disturbance construction activities contractors will clear areas of dry vegetation or other potential fire fuels on or near staging areas, welding areas, or any other areas on which equipment will be

operated. The City will require contractors to maintain areas subject to construction activities clear of combustible natural materials ~~to the extent feasible~~ to maintain firebreaks and minimize the availability of fire fuels. Proposed staging areas to be cleared will be identified with the assistance of a qualified biologist to avoid conflicts with policies to preserve protected habitat areas. Staging and clearing will not be permitted in protected habitat areas. This requirement will be included on project construction plan specifications and reviewed for approval by the Fontana Fire Protection District prior to issuance of grading permits.

### 3.14 Section 4.2.11, Noise and Vibration

#### Page 4.2.11-33

**Comment WVWD-3. REVISE** The text on Page 4.2.11-33 of the 2<sup>nd</sup> Recirculated EIR is revised to read as follows:

#### *Off-site Construction Noise*

Off-site construction activities would consist of road widening and paving, construction of an off-site sewer lift station, ~~and~~ installation of sewer lines, and construction of an off-site water line as described in Chapter 3, *Project Description*. Peak noise levels for these off-site construction activities could reach 71.6 dBA  $L_{eq}$  at 50 feet for roadway construction and 68.2 dBA  $L_{eq}$  at 50 feet for sewer lift station construction and sewer line installation. While construction would be limited to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, between 8:00 a.m. and 5:00 p.m. on Saturdays, and at no time on Sundays and federal holidays, as provided in **Regulatory Requirement RR-N-1**, noise would be generated at sensitive off-site receptors along Locust Avenue and Jurupa Avenue in excess of 65 dBA  $L_{eq}$ .

### 3.15 Section 4.2.15, Traffic and Transportation

#### Pages 4.2.15-21 to 4.2.15-22

**Comment SBC-13. REVISE** discussion of Measure I to read as follows:

#### ***Measure I Strategic Plan and the Regional Transportation Development Mitigation Program Nexus Study***

The Measure I Strategic Plan, approved in 2004 and effective 2010 to 2040, allocates a half-cent sales tax throughout San Bernardino County for transportation improvements. Improvements are identified within the cities and unincorporated areas of the County, including the City of Fontana. The ~~SANBAG San Bernardino County Regional Transportation Development Mitigation Program Nexus Study (Nexus Study-Regional Transportation Development Mitigation Program)~~, which is included as Appendix K of the SANBAG CMP, establishes a framework for local jurisdictions within San Bernardino County (including incorporated cities within the County) and development projects within those jurisdictions to fund needed regional transportation improvements within cities and unincorporated areas of San Bernardino County. Costs may include planning, project development, design, construction, management, right-of-way, and mitigation requirements subject to the policy provisions contained in the Measure I Strategic Plan. The ~~Nexus Study-Regional Transportation~~

Development Mitigation Program includes growth projections for jurisdictions throughout San Bernardino County, including traffic crossing jurisdictional boundaries within San Bernardino County, and other jurisdictions outside of the County (e.g., Riverside County and the Jurupa Valley area) whose traffic affects San Bernardino County in its regional growth forecasts.

Regional transportation facilities identified in the Nexus Study Regional Transportation Development Mitigation Program include freeway interchanges, railroad grade separations, and regional arterial highways. On page 10, the Nexus Study Regional Transportation Development Mitigation Program (SANBAG 2011) states,

For arterials, costs were estimated as follows:

The local jurisdiction projects and cost estimates were accepted directly and entered into a database. These included only the arterial projects on the Nexus Study Network. Unless otherwise noted, the costs include project development, engineering, right-of-way and construction costs. **In some cases, bridges, traffic signals, and other cost items are specified separately. Where these items are not separately identified, the costs are assumed to be included in the overall cost estimate for widening of each facility.** [Emphasis added.] The existing number of lanes and the number of lanes after improvement are also identified for projects where the information was available. Local jurisdictions may not include costs of improvements such as sidewalk, curb and gutter and match-up pavement along undeveloped frontages, for which developers would ordinarily be responsible. See Appendix J of the CMP for details on project cost eligibility. The costs included in the Nexus Study were reduced by the amount of federal earmarks for individual arterial projects contained in prior federal legislation or appropriations, where specifically identified, based on the development mitigation principles adopted by the SANBAG Board.

Therefore, every project identified under the Measure I Regional Transportation Development Mitigation Nexus Study Program has included operational improvements such as adding turn lanes and signal improvement at intersections.

The program relies upon local jurisdictions to implement mitigation programs by collecting fees for regional improvements; however, SANBAG does not dictate how individual jurisdictions allocate their costs for regional improvements to new development. Instead, each jurisdiction, including the City of Fontana and the County of San Bernardino, is required to develop its own schedule of fees and implementation programs (often through a capital improvements program [CIP]) that can demonstrate achievement of the contribution levels set in the Nexus Study Regional Transportation Development Mitigation Program for each jurisdiction.

The Nexus Study Regional Transportation Development Mitigation Program is based on having each jurisdiction subject to the Nexus Study Regional Transportation Development Mitigation Program fund its share of needed *regional* improvements by developing the facilities *within its own jurisdiction*. The Nexus Study Regional Transportation Development Mitigation Program does not rely on the exchange of impact fees between jurisdictions as a means of mitigating impacts of development occurring within one jurisdiction on the regional transportation facilities of another jurisdiction. As a result, there is no allocation of arterial improvement costs to jurisdictions outside the jurisdiction in which a proposed development project is located. Impacts of development throughout the region addressed in the Nexus Study Regional Transportation Development Mitigation Program are instead mitigated by requiring each jurisdiction to be responsible for needed arterial improvements within its own jurisdiction, including the share of improvements necessitated by traffic generated in other jurisdictions. Thus, as development occurs within the various jurisdictions subject to Nexus Study Regional Transportation Development Mitigation Program fees,



all of the regional improvements included within the ~~Nexus Study~~ Regional Transportation Development Mitigation Program throughout the County will eventually be built.

Because roadway improvements are implemented by individual jurisdictions according to the pace of development within each jurisdiction, the ~~Nexus Study~~ Regional Transportation Development Mitigation Program does not establish a definitive timeline for the construction of the improvements being funded by ~~Nexus Study~~ Regional Transportation Development Mitigation Program fees. Instead, the ~~Nexus Study~~ Regional Transportation Development Mitigation Program provides for ongoing monitoring of level of service conditions, and establishes means for annually determining priorities for the programming and construction of improvements. The City of Fontana and other jurisdictions in San Bernardino County have approved the ~~Nexus Study~~ Regional Transportation Development Mitigation Program and are implementing it. Nevertheless, while the ~~Nexus Study~~ Regional Transportation Development Mitigation Program provides for the eventual funding and construction of all facilities subject to the ~~Nexus Study~~ Regional Transportation Development Mitigation Program, the specific timing for development of any specific improvements cannot be determined as part of this 2<sup>nd</sup> RDEIR.

The City of Fontana has created a standard program (Circulation Development Fees and a CIP) to fund and implement regional improvements within the City. As a result, SANBAG considers the City exempt from CMP traffic impact analysis requirements. Although no CMP analysis was therefore required for this project, the traffic impact analysis prepared for this project (see Appendix L) was prepared so as to comply with CMP traffic impact analysis requirements.

Circulation improvements listed in the San Bernardino County CIP and the ~~Nexus Study~~ Regional Transportation Development Mitigation Program in the vicinity of the project include the intersections of Alder Avenue/Slover Avenue<sup>1</sup> (restriping and control measures), Locust Avenue/Santa Ana Avenue (traffic signal installation), Locust Avenue/Jurupa Avenue (all-way stop control), and Cedar Avenue/I-10 Westbound Ramps<sup>2</sup> (restriping and control measures).

#### **Page 4.2.15-24**

**Comment SBC-13. REVISE** final sentence addressing the Riverside County TUMF program to read as follows:

Therefore, signals and turn lanes are included in the ~~Nexus Study~~ and the TUMF Program.

#### **Page 4.2.15-24 to 4.2.2.15-25**

**Comment SBC-13. REVISE** discussion of City of Fontana Development Impact Fees to read as follows:

##### ***Development Impact Fees/Capital Improvements Program***

As discussed above, the City of Fontana is required to develop its own schedule of fees or other per-unit mitigation requirements that demonstrate that the development contribution levels listed in the ~~Nexus Study~~ San Bernardino County Regional Transportation Development Mitigation Program are achieved. As such, the City has adopted a development mitigation

<sup>1</sup> The Alder Avenue/Slover Avenue intersection is currently operating at an unacceptable LOS F in the AM peak hour.

<sup>2</sup> The Cedar Avenue/westbound I-10 ramps are currently operating at an unacceptable LOS E in the PM peak hour.

program based on the requirements established in the CMP and the ~~Nexus Study Regional Transportation Development Mitigation Program~~ to fund the City's contributions to regional transportation facilities identified in the ~~Nexus Study Regional Transportation Development Mitigation Program~~. In addition to fees needed for regional transportation facilities, Fontana's development mitigation program also provides for construction of local or non-regional transportation improvements that were not part of the ~~Nexus Study Regional Transportation Development Mitigation Program's~~ regional network. These other local facilities are funded by requiring new development to pay the City's Development Impact Fee (DIF), which represents each project's fair-share contribution for both regional (~~Nexus Study Regional Transportation Development Mitigation Program~~) and additional local facilities. The City of Fontana DIF fees are collected and accounted for through the SANBAG ~~Nexus Study San Bernardino County Regional Transportation Development Mitigation Program~~ Fees DIF programs described above, resulting in new development being required to pay a single combined fee for its contribution to needed improvements to both the ~~Nexus Study Regional Transportation Development Mitigation Program's~~ regional facilities and Fontana's local facilities. Funding is identified and appropriated according to the list of improvements in the City of Fontana CIP, which include both the regional improvements outlined in the ~~Nexus Study Regional Transportation Development Mitigation Program~~ and the local facilities being funded by Fontana and other agencies. One improvement included on the City's CIP is the Armstrong Road/Locust Street resurfacing project, which was recently constructed through the project site (City of Fontana 2013). This improvement and other local facility improvements are identified in Attachment 1 of the ~~Nexus Study Regional Transportation Development Mitigation Program~~ and in the TIA.

#### Page 4.2.15-25

**Comment SBC-13. REVISE** discussion of San Bernardino County Regional Transportation Development Mitigation Plan to read as follows:

The San Bernardino County Regional Transportation Development Mitigation Plan (RTDM) was developed by San Bernardino County to satisfy the provisions of the ~~Nexus Study Regional Transportation Development Mitigation Program~~ to provide funding for local roadways within unincorporated areas. Based on the language in the Measure I program and the ~~Nexus Study Regional Transportation Development Mitigation Program~~, each local jurisdiction, including the County of San Bernardino, was required to adopt a regional transportation development mitigation program prior to November 2006 to provide for funding of regional and local roadway improvements. The SANBAG ~~Development Mitigation Nexus Study Regional Transportation Development Mitigation Program~~ determines the fair-share contributions from new development for each local jurisdiction, and the County's RTDM provides the County's plan for funding improvements within unincorporated areas. The total development cost, or "target share amount" for which the County is responsible to generate through the RTDM, is \$249.34 million. This amount is distributed among the County's Plan Subareas based upon project lists and growth forecasts for unincorporated areas. The RTDM is intended to generate the development fair-share contribution of project costs as required by the CMP and is not intended to provide 100 percent funding for or construct all projects listed in the RTDM, since a portion of the funds is programmed into the Measure I program as well as federal/state funds administered by SANBAG.

**Page 4.2.2.15-31**

**Comment SBC-13. REVISE** Specific Plan Requirement SP-TR-2 to read as follows:

**SP-TR-2: Feasibility Studies and Fair Share Payments.** In addition to the physical improvements included in SP-TR-1, the West Valley Logistics Center Specific Plan (Specific Plan) includes the following requirements:

- Payment of fair share fees in addition to ~~Nexus Study Regional Transportation Development Mitigation Program~~ and Fontana Development Impact Fees to the County of San Bernardino for:
  - Alder Avenue/Slover Avenue (fair share payment for signalization that is not included as part of the ~~Regional Transportation Development Mitigation Program Nexus Study~~. Development within the Specific Plan will provide fair share payments at the same rate as the County of San Bernardino is collecting from projects within the adjacent unincorporated area); and
  - Cedar Avenue/Slover Avenue (fair share payment for intersection improvements).
- The Specific Plan will prepare a feasibility study for the Valley Way/State Route 60 interchange for which no feasible improvements to achieve acceptable levels of operation have been identified to date and, as a consequence, no improvement program has been established to which a fair share payment for improvements can be made. The proposed feasibility study would aim to identify feasible improvements that could be undertaken at the interchange to improve existing and future levels of service, even if applicable service level standards could not be met.
- Work with the cities of Fontana and Jurupa Valley to identify Armstrong Road south of the southernmost West Valley Logistics Center driveway as not a truck route and to place appropriate signage along Armstrong Road prohibiting trucks except for local deliveries.
- Work with the California Department of Transportation to place signs along State Route 60 indicating that trucks are not permitted on Armstrong Road north of the freeway, and directing eastbound trucks to exit at Rubidoux Boulevard and westbound trucks to exit at Market Street.

**Page 4.2.15-32**

**Comment SBC-13. REVISE** Regulatory Requirement RR-TR-1 to read as follows:

**RR-TR-1: Pay San Bernardino County ~~Nexus Study Regional Transportation Development Mitigation~~ Fees and City of Fontana Development Impact Fees for Roadway Improvements.** The West Valley Logistics Center Specific Plan will pay applicable fees per the San Bernardino County ~~Nexus Study Regional Transportation Development Mitigation Program~~ fee program and the City of Fontana's development impact fee for industrial land use at the established rates at the time of building permit issuance.

**Pages 4.2.15-33 to 4.2.15-34**

**Comment CJV-36. Mitigation Measure TRA-1a. REVISE** to read as follows:

**Mitigation Measure TRA-1a: Develop and Implement a Construction Management Plan.**

Prior to the issuance of construction permits, the project applicant shall develop and implement a Construction Management Plan to the satisfaction of (1) the City of Fontana Traffic Engineer, ~~(2) and~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, and (3) the Jurupa Valley Public Works Department for roadways within Jurupa Valley that shall:

- Designate traffic control for any street closure, detour, or other disruption to traffic circulation.
- Identify the routes that construction vehicles will use for the delivery of construction materials (e.g., lumber, tiles, piping, windows) to access the site, including any needed traffic controls and detours. Such routes shall be consistent with the truck routing set forth in the project's Truck Management Plan.
- Specify the hours during which site deliveries and off-site hauling can occur and methods to mitigate construction-related impact to adjacent streets.
- Require the contractor to keep all haul routes clean and free of debris, including, but not limited to, gravel and dirt as a result of construction activities. The applicant shall clean adjacent streets, as directed by the City Traffic Engineer (or a designated representative) within the City of Fontana or the San Bernardino County Public Works Director (or a designated representative) for roadways within unincorporated County areas of any materials that may have been spilled, tracked, or blown onto adjacent streets or areas.
- Allow hauling or transport of oversize loads between 9:00 AM and 3:00 PM only, Monday through Friday, unless approved otherwise by the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays.
- Prohibit use of local streets not specifically approved by the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.
- Require haul trucks entering or exiting public streets to yield to public traffic.
- Provide a flag person at the intersection of Armstrong Road and Locust Avenue and any other intersections deemed necessary by the City Traffic Engineer within the City of Fontana or the San Bernardino County Public Works Director for roadways within unincorporated County areas to ensure that vehicle conflicts between haul trucks and all other vehicles are minimized.
- Require that if hauling operations are determined to have caused any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs will be completed by the project's contractor to the satisfaction of the City Traffic Engineer within the City of Fontana, ~~or~~ the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.

- Require all construction-related parking and staging of vehicles to be kept out of the adjacent public roadways and instead be kept on site.
- Meet the standards established in the current California Manual on Uniform Traffic Control Devices, as well as City of Fontana requirements within the City of Fontana, ~~and San Bernardino County requirements within unincorporated County areas,~~ or Jurupa Valley requirements within Jurupa Valley.
- Identify adequate access points for emergency vehicles and ensure emergency personnel would be able to identify these access points by providing a flagman, signage, or other indicator to effectively communicate emergency access during construction.

#### Page 4.2.15-34 to 4.2.15-35

**Comment SBC-13. REVISE** the final bullet point on Page 4.2.15-34 to read as follows:

- **Alder Avenue/Santa Ana Avenue (#11).** This intersection is within unincorporated San Bernardino County, and operates at an unacceptable LOS F during the AM peak hour under existing traffic conditions, which would be exacerbated by the addition of project traffic. As such, the project would have a cumulatively considerable contribution to a significant cumulative impact per San Bernardino County significance criteria, requiring mitigation (see **Regulatory Requirement RR-TR-1 and Mitigation Measure TRA-1c**). This intersection is included in the SANBAG ~~Nexus program~~ Regional Transportation Development Mitigation Program, which proposes widening of Santa Ana Avenue between Tamarind Avenue and Cedar Avenue from two to four lanes, including signalization of the Locust Avenue/Santa Ana Avenue intersection.

#### Page 4.2.15-35

**Comment SBC-13. REVISE** the bullet points on Page 4.2.15-35 to read as follows:

- **Locust Avenue/Santa Ana Avenue (#19).** This intersection is within unincorporated San Bernardino County and operates at an unacceptable LOS E during the AM peak hour and LOS F during the PM peak hour under existing traffic conditions, which would be exacerbated by the addition of project traffic. As such, the project would have a cumulatively considerable contribution to a significant cumulative impact per San Bernardino County significance criteria, requiring mitigation (see **Regulatory Requirement RR-TR-1 and Mitigation Measure TRA-1c**). This intersection is included in the SANBAG ~~Nexus program~~ Regional Transportation Development Mitigation Program, which proposes widening of Santa Ana Avenue between Tamarind Avenue and Cedar Avenue from two to four lanes, including signalization of the Locust Avenue/ Santa Ana Avenue intersection.
- **Locust Avenue/Jurupa Avenue (#20).** This intersection is within the City of Fontana, and operates at an acceptable LOS B during the AM and PM peak hours. The addition of project traffic would increase delay by 18.4 seconds in the AM peak hour and by 15.6 seconds in the PM peak hour, which would exceed the City's significance criteria, requiring mitigation. This intersection is included in the SANBAG ~~Nexus program~~ Regional Transportation Development Mitigation Program, and needed improvements would be provided as part of WVLCS development (see **Regulatory Requirement RR-TR-1 and Mitigation Measure TRA-1b** and Table 4.2.15-18).

- **SR-60 eastbound ramps/Mission Boulevard (#39).** This intersection is within the city of Jurupa Valley under Caltrans jurisdiction, and is not part of Riverside County’s TUMF program because no feasible improvements have been identified to bring this interchange to an acceptable LOS. This intersection operates at an unacceptable LOS F during the PM peak hour under existing traffic conditions, which would be exacerbated by the addition of project traffic. As such, the project would have a cumulatively considerable contribution to a significant cumulative impact for which no mitigation is available (see **Regulatory Requirement RR-TR-1 and Mitigation Measure TRA-1c**).
- **Linden Avenue/Slover Avenue (#42).** This intersection is within unincorporated San Bernardino County and operates at an unacceptable LOS E during the AM peak hour under existing traffic conditions, which would be exacerbated by the addition of project traffic. The project would have a cumulatively considerable contribution to a significant cumulative impact per San Bernardino County significance criteria, requiring mitigation (see **Regulatory Requirement RR-TR-1 and Mitigation Measure TRA-1b**). While intersection improvements are included in the SANBAG ~~Nexus study~~ Regional Transportation Development Mitigation Program, signalization of the intersection is not. As identified in Table 4.2.15-18, the proposed project would pay 100 percent of the cost of a traffic signal, which is to be installed as part of intersection improvements funded by the ~~Nexus program~~ Regional Transportation Development Mitigation Program.
- **Rubidoux Boulevard/24<sup>th</sup> Street (#54).** This intersection is within the city of Jurupa Valley and operates at an unacceptable LOS E in the AM peak hour and LOS F in the PM peak hour under existing traffic conditions, which would be exacerbated by the addition of project traffic (LOS F in both the AM and PM peak hours). As such, the project would have a cumulatively considerable contribution to a significant cumulative impact, requiring mitigation (see **Mitigation Measure TRA-1c**). This intersection is not part of the Riverside County TUMF program, and the City of Jurupa Valley has no program into which fair share payments could be made.

#### Page 4.2.15-45

**Comment SBC-13. REVISE** the identification of Specific Plan and Regulatory Requirements to read as follows:

##### ***Specific Plan and Regulatory Requirements***

The applicant shall implement the following Specific Plan and Regulatory Requirements, as summarized below and specified in detail in Section 3.6 of Chapter 3, *Project Description*:

- **SP-TR-2:** Feasibility Studies and Fair Share Payments
- **Regulatory Requirement RR-TR-1:** Pay San Bernardino County ~~Nexus~~ Regional Transportation Development Mitigation Program Fees and City of Fontana Development Impact Fees for Roadway Improvements

#### Page 4.2.15-45

**Comment SBC-13. REVISE** the third paragraph under “Mitigation Measures” to read as follows:

At this time, Caltrans has no fee programs or other improvement programs in place to address the deficiencies caused by development projects in the City of Fontana (or other neighboring

jurisdictions) on the State highway system. As such, no improvements have been recommended to address Existing Plus Project deficiencies on the State highway system, because the project's impacts on the State highway system would be related to its contribution to cumulative impacts, there are no mechanisms available to provide fair share funding for improvements, and improvements to address cumulative impacts have been programmed, and no funding mechanisms have been identified outside of the ~~Nexus Study~~ Regional Transportation Development Mitigation Program and TUMF programs. Therefore, there is no feasible mitigation available for impacts on the State highway system.

### Pages 4.2.15-46

**Comment SBC-13. REVISE** the second to last paragraph on page 4.2.15-45 to read as follows:

In addition, the cities of Jurupa Valley and Riverside have no programs to address deficient intersections within their respective jurisdictions to which the proposed project could contribute a fair share. Therefore, **Mitigation Measures TRA-1b** and **TRA-1c** do not include requirements for fair share payments to mitigate the contribution of project-related traffic to cumulative impacts within the cities of Jurupa Valley and Riverside. While there is reasonable certainty that improvements funded by the ~~Nexus Study~~ Regional Transportation Development Mitigation Program and TUMF programs will be constructed, Fontana has no jurisdiction to ensure that any fair share payments made to other jurisdictions will be used for construction of the physical improvements for which fair share payment is provided. Therefore, traffic-related impacts outside of the City of Fontana requiring improvements that are not funded by the ~~Nexus Study~~ Regional Transportation Development Mitigation Program and TUMF programs are considered to be significant and unavoidable. Nevertheless, the City of Fontana recognizes that the proposed project involves the distribution of truck traffic onto roadways within unincorporated San Bernardino County, which has, at a staff level, agreed to utilize fair share payments for physical improvements, and as a result determined that mandating fair share payment to San Bernardino County would be appropriate.

### Table 4.2.15-18, Pages 4.2.15-47 to 4.2.15-48

**Comment SBC-13. REVISE** the "Extent of Proposed Improvement" starting at the end of page 4.2.15-47 to read as follows:

Pay 100% of the cost of signalization to San Bernardino County. Installation to be undertaken by the County as part of intersection improvements funded by ~~Nexus~~ Regional Transportation Development Mitigation Program.

### Page 4.2.15-48

**Comment SBC-13. REVISE** Mitigation Measure TRA-1c to read as follows:

**Mitigation Measure TRA-1c: Payment of Development Impact Fees for Transportation Improvements.** Prior to the issuance of occupancy permits for a building within the WVLCSP, the applicant shall make fee payments to fund the improvements needed to mitigate the project's contribution to impacts on intersections, freeway mainline segments, and/or ramp junctions. Such fee payments will include:

City of Fontana Development Impact Fee (DIF), which represents the project’s required fee to mitigate impacts to both regional (~~Nexus Study Regional Transportation Development Mitigation Program~~) and additional local facilities, including:

- Alder Avenue/Santa Ana Avenue (TIA Intersection #11);
- Locust Avenue/Santa Ana Avenue intersection (TIA Intersection #19); and
- Linden Avenue/Slover Avenue (TIA Intersection #42).
- Fair share payment to San Bernardino County to install a traffic signal at the Alder Avenue/Slover Avenue intersection (TIA Intersection #10) that is not included in the ~~Nexus Study Regional Transportation Development Mitigation Program~~. Fair share payment for the WVLCSP will be at the same rate being charged by the County for projects within the unincorporated area.

**Comment SBC-13. REVISE** discussion of Residual Impacts to read as follows:

With implementation of project design feature **Specific Plan Requirement SP-TR-2**, and all mitigation identified for the project, including payment of fees to fund future improvements and installation of roadway improvements to improve operations at deficient intersections under the Existing Plus Project scenario (**Mitigation Measure TRA-1b**, including all improvements listed in Table 4.2.15-18, and **Mitigation Measure TRA-1c**), impacts resulting from the project would remain significant and unavoidable. The project applicant would provide physical improvements for direct impacts.<sup>3</sup> The project applicant will also provide fair share payments as mitigation for cumulative impacts on facilities covered by the ~~Nexus Study Regional Transportation Development Mitigation Program~~ and Fontana’s development impact fees. In addition, the project applicant would provide fair share payment as mitigation for cumulative impacts at facilities not funded by the ~~Nexus Study Regional Transportation Development Mitigation Program~~ or TUMF program. However, due to the uncertainty of timing for improvements outside of the ~~Nexus Study Regional Transportation Development Mitigation Program~~ and TUMF program for which fair share fees are to be paid and because certain impacts occur outside of Fontana and the City cannot ensure the provision of physical improvements even after the applicant provides payment of the fair share cost to the other affected jurisdiction, the impact after implementation of mitigation is considered to be significant and unavoidable. The residual impacts for all deficient intersections and freeway and ramp segments with improvements are provided in Table 4.2.15-19.

**Table 4.2.15-19, Pages 4.2.15-49 to 4.2.15-50**

**Comment SBC-13. REVISE** discussion of the Alder Avenue/Santa Ana Avenue Intersection to read as follows:

Alder Ave/Santa Ana Ave Intersection	Mitigation Measure TRA-1c: Payment of fees to the City pursuant to <del>Nexus Study Regional Transportation Development Mitigation Program</del> .	Less than Significant Impact with Mitigation. Needed improvements are included in and will be constructed as part of the SANBAG <del>Nexus Study Regional Transportation Development Mitigation Program</del> .
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<sup>3</sup> See page 4.2-14 for a definition of “direct impact.”



**Comment SBC-13. REVISE** discussion of the Linden Avenue/Santa Ana Avenue Intersection to read as follows:

Linden Avenue/Slover Avenue	Mitigation Measure TRA-1c: Payment of fees to San Bernardino County.	Significant and Unavoidable Impact until improvement is installed by San Bernardino County with <del>Nexus Study Regional Transportation Development Mitigation Program</del> funding. Developer to pay 100% of the cost of signalization at this intersection (signalization of this intersection is not included as part of SANBAG <del>Nexus Study Regional Transportation Development Mitigation Program</del> improvements). Signalization to be paid for by WVLCSP is to be installed concurrent with other intersection improvements.
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**Pages 4.2.15-50 to 4.2.15-51**

**Comment SBC-13. REVISE** the three paragraphs following Table 4.2.15-19 to read as follows:

As stated previously, **Mitigation Measure TRA-1c**, as part of the ongoing implementation of San Bernardino County’s Development Mitigation ~~Nexus Study Regional Transportation Development Mitigation Program~~, would provide a fair share of funding for improvements on the regional transportation system within San Bernardino County as mitigation for the impacts of project-related development on that regional system. In addition, implementation of Riverside County’s existing TUMF Program would provide needed regional improvements within Riverside County and the project would provide fair share funding as mitigation for impacts within unincorporated San Bernardino County on facilities not funded by the ~~Nexus Study Regional Transportation Development Mitigation Program~~. The future improvements included in Mitigation **Measure TRA-1c** have been identified in the ~~Regional Transportation Development Mitigation Program Nexus Study~~ prepared by SANBAG and the Western Riverside Council of Governments’ TUMF Program. Even though **Mitigation Measure TRA-1c** would require payment of development impact fees and fair share payments to reflect the project’s contribution toward mitigation of impacts on facilities listed in **Mitigation Measure TRA-1c**, such fee contributions do not include improvements to all intersections where the proposed project would contribute to significant cumulative impacts necessary to allow the circulation system in the project vicinity to operate at acceptable LOS. Furthermore, it would be infeasible for the applicant to install or fully fund all required improvements, specifically those that address impacts on Intersections 39, 54, and 55, as well as two freeway segments and five freeway merge-diverge locations, as neither the applicant nor the City of Fontana have jurisdiction over these circulation facilities, and the applicant is required to provide mitigation only for the proposed project’s share of traffic impacts, rather than provide the funds to construct all facilities needed to mitigate impacts from cumulative development throughout the

region. As it is feasible for the applicant to install the improvements identified in Table 4.2.15-18, the City has requested these improvements to mitigate direct and cumulative project impacts. Improvements to these facilities are identified in congestion management programs, as provided in the TIA, and the applicant would provide a fair share contribution to fund these future improvements while also installing those improvements provided previously in Table 4.2.15-18.

Because roadway improvements are implemented by individual jurisdictions according to the pace of development within each jurisdiction, the ~~Nexus Study Regional Transportation Development Mitigation Program~~ does not establish a definitive timeline for the construction of the improvements being funded by ~~Nexus Study Regional Transportation Development Mitigation Program~~ fees. Instead, the ~~Nexus Study Regional Transportation Development Mitigation Program~~ provides for ongoing monitoring of LOS conditions, and establishes means for annually determining priorities for the programming and construction of improvements. The City of Fontana and other jurisdictions in San Bernardino County have approved the ~~Nexus Study Regional Transportation Development Mitigation Program~~ and are implementing it. In 2004, Measure I sales tax revenues were extended for 30 years through 2034. Thus, improvements needed to address cumulative impacts will be funded and completed by 2034.

Although fair share mitigation fees would be paid to other jurisdictions over which the City has no control, there is no certainty regarding when specific improvements would be made outside of the City limits within San Bernardino County. While implementation of the improvements for which fair share fees are proposed to be paid, (1) the timing of such improvements is not known; and (2) jurisdictions outside of the City of Fontana need not commit to any specific timing in relation to project site development, **Mitigation Measure TRA-1b** cannot be assumed to reduce Impact TRA-1 to a level below significance. Furthermore, it would be inappropriate to require the applicant of the WVLCSP project to provide full improvements for its contribution to cumulative impacts on the countywide ~~Nexus Study Regional Transportation Development Mitigation Program~~ regional roadway system when the ~~Nexus Study Regional Transportation Development Mitigation Program~~ fees it must already pay are being required to mitigate the project's impacts on the same regional ~~Nexus Study Regional Transportation Development Mitigation Program~~ system. It would also be inappropriate to require the applicant of the WVLCSP project to install or make fair share payments for roadway improvements in Riverside County for facility improvements already funded by that County's TUMF Program, particularly since the project's location outside of Riverside County would preclude reimbursement from the TUMF Program to the project.<sup>4</sup> Therefore, impacts on facilities not paid for by the ~~Nexus Study Regional Transportation Development Mitigation~~ and TUMF programs would be considered significant and unavoidable.

## Page 4.2.15-52

**Comment SBC-13. REVISE** first paragraph to read as follows:

LOS calculations were conducted for study intersections to evaluate their operations under Horizon Year (2040) without Project conditions with roadway and intersection geometrics consistent with those funded by the ~~Nexus Study Regional Transportation Development~~

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<sup>4</sup> Fair share payments from the proposed projects are, however, being required for contributions to cumulative impacts on facilities outside of the City of Fontana that are not part of the Nexus Study or TUMF program.

Mitigation Program and TUMF program. As shown in Table 4.2.15-20, the following intersections are anticipated to operate at an unacceptable LOS during the peak hours under Horizon Year (2040) without Project conditions. Intersections that operate at an unacceptable LOS during the peak hours under existing conditions are indicated in **bold**.

### Pages 4.2.15-59 to 4.2.15-60

**Comment SBC-13. REVISE** text to read as follows:

As shown in Table 4.2.15-20, in addition to the three direct project impacts identified above, the proposed project would result in a considerable contribution to the following cumulative impacts at intersections projected to operate at unacceptable LOS with project-related traffic in the cumulative (2040) condition:

- **Sierra Avenue/Valley Boulevard (#1)**. This intersection is within the City of Fontana. The addition of project-related traffic to this intersection would increase delay in the PM peak hour from an unacceptable 92.3 seconds to 94.6 seconds, which exceeds the City's threshold, and thus constitutes a considerable contribution to a significant cumulative impact. The Nexus Study Regional Transportation Development Mitigation Program includes widening of Sierra Avenue from Valley Boulevard to San Bernardino Avenue from four to six lanes and widening of Sierra Avenue from Slover Avenue to Valley Boulevard from three to four lanes on the west side. The Nexus Study Regional Transportation Development Mitigation Program also includes widening Valley Boulevard from Citrus Avenue to Sierra Avenue from four to six lanes and from Sierra Avenue to Alder Avenue from four to six lanes. Needed intersection improvements would be provided as part of roadway widening projects.
- **Sierra Avenue/Slover Avenue (#3)**. This intersection is within the City of Fontana. The addition of project-related traffic to this intersection would increase delay in the AM peak hour from an unacceptable 137.3 seconds to 165.5 seconds and increase delay in the PM peak hour from an unacceptable 140.5 seconds to 145.3 seconds, both of which exceed the City's threshold, and thus constitute a considerable contribution to a significant cumulative impact. While the west side of Sierra will be widened under the Nexus Study Regional Transportation Development Mitigation Program, additional improvements to those funded by the Nexus Study Regional Transportation Development Mitigation Program are needed.
- **Sierra Avenue/Santa Ana Avenue (#4)**. This intersection is within the City of Fontana. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS D in both the AM and PM peak hours. The addition of project-related traffic to this intersection would not increase delay in the AM peak hour and would increase delay in the PM peak hour by 0.2 second. This is below the City's 5.0-second increase in delay threshold. Thus, project-related impacts would be less than significant at this intersection.
- **Sierra Avenue/Jurupa Avenue (#5)**. This intersection is within the City of Fontana. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS D in the AM peak hour and at an unacceptable LOS F in the PM peak hour. However, the addition of project-related traffic to this intersection would not increase delay in either the AM or PM peak hour. Thus, project-related impacts would be less than significant at this intersection.
- **Production Avenue/Slover Avenue (#6)**. This intersection is within the City of Fontana. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS D in the AM peak hour and at an unacceptable LOS F in the AM peak hour. The addition of

project-related traffic to this intersection would not increase delay in the PM peak hour and would increase delay in the PM peak hour by 7.7 seconds, which exceeds the City's threshold of significance. This intersection is not included in the Nexus Study Regional Transportation Development Mitigation Program.

- **Tamarind Avenue/Slover Avenue (#8).** This intersection is on the border between the City of Fontana and unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable (per City standards) LOS D in the PM peak hour. The addition of project traffic would increase delay in the PM peak hour from 54.2 seconds to 63.0 seconds, which exceeds the City's threshold of significance, and would cause a considerable contribution to a significant cumulative impact. This intersection is not included in the Nexus Study Regional Transportation Development Mitigation Program.
- **Tamarind Avenue/Santa Ana Avenue (#9).** This intersection is on the border between the City of Fontana and unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable (per both City and County standards) LOS F in the AM and PM peak hours. The addition of project traffic would increase delay at this intersection by 4.1 seconds in the AM peak hour and by 6.6 seconds in the PM peak hour, which exceeds both City and County standards, and would cause a considerable contribution to a significant cumulative impact. This intersection is included in the Nexus Study Regional Transportation Development Mitigation Program, which will widen Santa Ana Avenue from Tamarind Avenue to Cedar Avenue from two to four lanes, including needed improvements at this intersection.
- **Alder Avenue/Slover Avenue (#10).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. The addition of project traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. As part of the Nexus Study Regional Transportation Development Mitigation Program, Slover Avenue will be widened from two to four lanes from Tamarind Avenue to Alder Avenue and from Linden Avenue to Cedar Avenue. However, not all needed improvements will be provided at this intersection.
- **Alder Avenue/Santa Ana Avenue (#11).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. The addition of project traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. As part of the Nexus Study Regional Transportation Development Mitigation Program, Santa Ana Avenue will be widened from two to four lanes from Tamarind Avenue to Cedar Avenue, including intersection improvements and signalization at this intersection.
- **Laurel Avenue/Slover Avenue (#13).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS E in the AM peak hour. The addition of project traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the Nexus Study Regional Transportation Development Mitigation Program.

- **Laurel Avenue/Santa Ana Avenue (#14).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM peak hour and LOS E in the PM peak hour. The addition of project traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. As part of the ~~Nexus Study~~ Regional Transportation Development Mitigation Program, Santa Ana Avenue will be widened from two to four lanes from Tamarind Avenue to Cedar Avenue, including intersection improvements at this intersection.
- **Locust Avenue/Santa Ana Avenue (#19).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. The addition of project traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. As part of the ~~Nexus Study~~ Regional Transportation Development Mitigation Program, Santa Ana Avenue will be widened from two to four lanes from Tamarind Avenue to Cedar Avenue and Locust Avenue will be widened from Santa Ana Avenue to Slover Avenue, including intersection improvements and signalization.

#### Page 4.2.15-62

**Comment SBC-13. REVISE** last three bullet points to read as follows:

- **Maple Avenue/Slover Avenue (#41).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the ~~Nexus Study~~ Regional Transportation Development Mitigation Program. As indicated in Table 4.2.15-18, the project is proposing to fund 100 percent of the cost of signalization at this intersection.
- **Linden Avenue/Slover Avenue (#42).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is included in the ~~Nexus Study~~ Regional Transportation Development Mitigation Program, which will provide needed improvements with the exception of signalization. As indicated in Table 4.2.15-18, the WVLCSP would provide 100 percent of the cost of signalization at this intersection, to be installed by San Bernardino County as part of intersection improvements funded by ~~Nexus~~ Regional Transportation Development Mitigation Program.
- **Cedar Avenue/Valley Boulevard (#43).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the ~~Nexus Study~~ Regional Transportation Development Mitigation Program.

#### Page 4.2.15-63

**Comment SBC-13. REVISE** the third through sixth bullet points to read as follows:

- **Cedar Avenue/Slover Avenue (#47).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the ~~Nexus Study~~ Regional Transportation Development Mitigation Program.
- **Cedar Avenue/Jurupa Avenue (#49).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS F in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the ~~Nexus Study~~ Regional Transportation Development Mitigation Program.
- **Cedar Avenue/7<sup>th</sup> Street (#51).** This intersection is within unincorporated San Bernardino County. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS E in the AM and PM peak hours. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in the ~~Nexus Study~~ Regional Transportation Development Mitigation Program.
- **Cedar Avenue/Rubidoux Boulevard/El Rivino Road (#52).** This intersection is on the border between unincorporated San Bernardino County and the city of Jurupa Valley. Under cumulative (2040) conditions, this intersection will operate at an unacceptable LOS E in the PM peak hour. Addition of project-related traffic would exacerbate these conditions, resulting in a considerable contribution to a significant cumulative impact. This intersection is not included in either the ~~Nexus Study~~ Regional Transportation Development Mitigation Program or the Riverside County TUMF program.

#### Page 4.2.15-71

**Comment SBC-13. REVISE** the second paragraph to read as follows:

In setting forth **Mitigation Measure TRA-1e**, Fontana explicitly recognizes that under *Tracy First v. City of Tracy*, the City is not required to mandate that the applicant make fair share payments to agencies other than the City to provide fair share payment for improvements where the agencies do not have a plan in place for such improvements. In addition, although **Mitigation Measure TRA-1e** includes requirements for fair share payments to mitigate project-related impacts within unincorporated San Bernardino County, Fontana has no jurisdiction to ensure construction of physical improvements for which fair share payment is provided. Therefore, except for contributions to cumulative impacts for which improvements are being funded under the San Bernardino County ~~Nexus Study~~ Regional Transportation Development Mitigation Program or the Riverside County TUMF program, traffic-related impacts outside of the Fontana's jurisdiction are considered to be significant and unavoidable. Nevertheless, the City of Fontana recognizes that the proposed project involves the distribution of truck traffic onto roadways within San Bernardino County and Riverside County, and as a result determined that mandating fair share payments to San Bernardino County (**Mitigation Measure TRA-1e**) would be appropriate as the result of discussions with San Bernardino County Public Works staff, who have indicated a willingness to work with the applicant and the City of Fontana to undertake physical improvements for which the project would provide funding.

## Page 4.2.15-71 to 4.2.15-72

**Comment SBC-13. REVISE** Mitigation Measure TRA-1e to read as follows:

**Mitigation Measure TRA-1e: Payment of Development Impact Fees for Transportation**

**Improvements.** Prior to the issuance of occupancy permits for a building within the WVLCSP, the applicant shall make fee payments to the City to fund the improvements needed to mitigate the project's contribution to cumulative impacts on intersections that would operate at an unacceptable LOS (or a further unacceptable LOS) in 2035. Such fee payments, based on unique traffic flow and the distribution of truck trips outside of the City of Fontana, will include:

City of Fontana Development Impact Fee (DIF), which represents required fee for mitigation of impacts to both regional (~~Nexus Study~~ Regional Transportation Development Mitigation Program) and additional local facilities;

Fair share payments to San Bernardino County as mitigation for the project's contribution of traffic and the need for the improvements described in the WVLCSP TIA (Appendix L) at the following locations:

- Sierra Avenue/Slover Avenue (#3)
- Production Avenue/Slover Avenue (#6)
- Tamarind Avenue/Slover Avenue (#8)
- Alder Avenue/Slover Avenue (#10)
- Laurel Avenue/Slover Avenue (#14)
- Cedar Avenue/Valley Boulevard (#43)
- Cedar Avenue/Slover Avenue (#47)
- Cedar Avenue/Jurupa Avenue (#49)
- Cedar Avenue/7<sup>th</sup> Street (#51)
- Cedar Avenue/Rubidoux Boulevard/El Rivino Road (#52)

## Page 4.2.15-72

**Comment SBC-13. REVISE** the first paragraph in the discussion of residual impacts to read as follows:

The project site is within a highly traveled and rapidly growing area of Southern California and traffic continues to increase incrementally every year as new development is added. As stated previously, ongoing implementation of San Bernardino County's Regional Transportation Development Mitigation ~~Nexus Study~~ Program, would provide funding to construct the improvements needed to achieve desired LOS on the regional system within San Bernardino County. In addition, implementation of Riverside County's existing TUMF Program would provide needed improvements within Riverside County. The specific intersection and freeway improvements have been identified in the Regional Transportation Development Mitigation ~~Program Nexus Study~~ Program prepared by SANBAG, the Western Riverside Council of Governments' TUMF Program, and individual City CIPs. **Mitigation Measure TRA-1e** ensures that the project pays its full DIF as part of the Regional Transportation Development Mitigation Program, as well as fair share fees for its

contribution of traffic to intersections that are not part of the ~~Nexus Study~~ Regional Transportation Development Mitigation Program or TUMF programs.

### Page 4.2.15-73

**Comment SBC-13. REVISE** the text to read as follows:

In addition, the project would pay 100 percent of the cost for signalization of the following intersections to San Bernardino County to be installed concurrent with improvements funded by the ~~Nexus Study~~ Regional Transportation Development Mitigation Program:

- Linden Avenue/Slover Avenue
- Maple Avenue/Slover Avenue

The TIA evaluated certain improvements to affected roadways with deficient LOS with the project. For the long-term (2040) scenario provided in Tables 4.2.15-24 through 4.2.15-27, the project would result in direct impacts on three intersections, and contribute to significant cumulative impacts at 44 intersections. Proposed improvements to each of those intersections would improve LOS to acceptable levels, with the exception of the following intersections as specified in Tables 7.5 through 7-8 of the TIA (Appendix L):

- Valley Way/SR-60 westbound on-ramp (#35)
- Valley Way/Mission Boulevard (#37)

Therefore, 42 of 44 affected intersections would operate at acceptable LOS with project improvements and installation of intersection improvements by other jurisdictions (Jurupa Valley, County of San Bernardino, Caltrans) as specified in Tables 7.5 through 7-8 of the TIA (Appendix L).

Even with implementation of all feasible mitigation, impacts would remain significant and unavoidable and LOS could operate unsatisfactorily on 42 freeway mainline and merge/diverge locations in the long term (2040). Payment of fees to fund future improvements and mitigate the project's contribution to cumulative impacts on the regional roadway and highway system, included as **Mitigation Measure TRA-1e** as part of the ongoing implementation of San Bernardino County's ~~Nexus Study~~ Regional Transportation Development Mitigation Program along with fair share contributions for facilities outside of Fontana that are not part of the ~~Nexus Study~~ Regional Transportation Development Mitigation and TUMF systems, would reflect the project's contribution of funding to construct some of the improvements needed to alleviate project-related impacts and achieve improved LOS within San Bernardino County.

## 3.16 Section 6.2.16, Utilities and Service Systems

### Page 6-29

**Comment WVWD-3. REVISE** second paragraph in this section to read as follows:

Development under the proposed project would require on- and off-site water and sewer facility upgrades to adequately provide fire flows and wastewater service to the project site and surrounding area. A 12-inch water line would be constructed as part of the project within Santa Ana



Avenue between Alder Avenue and Locust Avenue to provide adequate fire flows. A new gravity sewer main connection would be constructed at Locust Avenue and 7<sup>th</sup> Street to connect with an existing gravity main in Santa Ana Avenue. Off-site improvements on Linden Avenue (between Santa Ana and 11<sup>th</sup> Street) and on 11<sup>th</sup> Street (between Linden Avenue and Locust Avenue) would be constructed as part of the project, along with a new lift station on 11<sup>th</sup> Street at Linden Avenue.

## 3.17 Appendix L, Traffic Impact Assessment

### Page 65

**Comment CJV-14. REVISE** 65 of Appendix L Traffic Impact Assessment to read as follows:

**Secondary (100-foot right-of-way):**

- Sierra Road/Pacific Avenue, east of Armstrong Road



# Mitigation Monitoring and Reporting Program

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## 4.1 Introduction

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing the mitigation measures set forth in the 2<sup>nd</sup> Recirculated Draft Environmental Impact Report (EIR) for the West Valley Logistics Center Specific Plan (WVLCSP).

This Mitigation Monitoring and Reporting Program has been prepared in compliance with State law and the 2<sup>nd</sup> Recirculated Draft EIR prepared for the WVLCSP (State Clearinghouse No. 2012071058) prepared for the project by the City of Fontana.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Public Resource Code Section 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

1. All mitigation measures contained in the Final EIR for the WVLCSP are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
2. A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
3. The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

## 4.2 Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Fontana is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In addition, the WVLCSP includes project design considerations or features that would govern all development actions within the Specific Plan boundaries, as well as the provision of off-site infrastructure. These specific plan requirements would avoid or reduce the potential or severity of project-related impacts. In this regard, the responsibilities for implementation of mitigation measures and specific plan requirements have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

**Table 4-1. Mitigation Monitoring and Reporting Program (including Final EIR Revisions)**

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<b>4.2.1 Aesthetics</b>			
There are no Mitigation Measures that address impacts related to Aesthetics. Specific Plan requirements related to Aesthetics are presented below.			
<p><b>SP-A-1: Implement High-quality Development Standards and Design Guidelines.</b> Chapter 3 of the West Valley Logistics Center Specific Plan, <i>Design Guidelines</i>, sets forth design guidelines to achieve a high-quality design character that would provide consistent aesthetic character related to site design and building orientation, landscape and streetscape, lighting, walls, architecture, parking and access, and building systems. The Design Guidelines set forth in the West Valley Logistics Center Specific Plan explicitly address promoting compatibility with surrounding neighborhoods and employing high-quality architecture to define the site’s character. Design guidelines also set forth requirements for minimizing light spillage onto adjacent properties, requiring cut-offs to protect dark night sky, and requiring that windows use non-reflective glass.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Site plan approval, Design review, Building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Approvals of site plans, design review, and building permits through completion of construction</p>	
<p><b>SP-A-2: Install Visual Barriers between Project Areas and Residential Areas.</b> The perimeter walls that are visible from adjacent areas are required by the West Valley Logistics Center Specific Plan (Specific Plan) to be of high quality and compatible in terms of design and material with the project buildings. The Specific Plan requires that perimeter walls be accented with decorative stone or colored concrete to enhance the visual appearance, and to provide variation and articulation of the screening walls. In addition, the Specific Plan requires that walls facing a public right-of-way be no higher than 16 feet, which would screen views of the project area, while retaining views of the hills and mountains in higher elevation background views. Walls may berm up to allow 18 feet of exposure on the inward-facing side.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Site plan approval, building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Site plan and approval, building permit, site construction</p>	
<p><b>SP-A-3: Install Visual Barriers between Construction Work Areas and Residential Areas.</b> The contractor will install fencing (such as chain link with slats or fencing made of windscreen material) or other structures to obstruct undesirable views of ground-level construction activities from residences, recreationists, and businesses that are adjacent to the construction site. The fencing will be a minimum of 6 feet high and will help maintain the privacy of residents and block views from</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Grading permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Site grading</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>ground levels.</p> <p><b>SP-A-4: Light Spillage.</b> Unless intended as part of a master lighting plan approved by the City of Fontana, no operation, activity, or lighting fixture shall create illumination exceeding 0.5 foot-candles on any adjacent property (0.25 foot-candles within residential properties), whether the illumination is direct or indirect light from the source. Lighting levels shall be measured with a photoelectric photometer, following standard spectral luminous efficiency curves adopted by the International Commission on Illumination.</p> <ul style="list-style-type: none"> <li>Exterior lighting shall be kept to the minimum required for safety; purely decorative lighting displays shall be prohibited.</li> <li>Project lighting shall be designed to control light energy and ensure that exterior lighting is directed downward and away from adjacent streets and buildings in a manner designed to minimize off-site light spillage.</li> </ul> <p><b>SP A-5: Glare.</b> All building exteriors within the West Valley Logistics Center Specific Plan area shall be composed of textured and other non-reflective materials, including high-performance tinted non-mirrored glass. Reflective materials on building exteriors that have a light reflectivity factor greater than 30 percent shall be limited to less than 25 percent of any wall area.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Site plan approval, building permits</p>	<p><b>Responsible Party(s)</b></p> <p><b>Monitoring Period</b> Confirm implementation prior to certificates of occupancy</p>	
<p><b>4.2.2 Air Quality</b></p> <p><b>Mitigation Measure AQ-1: Incorporate Dust Suppression Measures.</b> The Construction Contractor will ensure that the following dust suppression measures in the SCAQMD CEQA Air Quality Handbook are implemented to reduce the project’s emissions:</p> <ul style="list-style-type: none"> <li>Revegetate disturbed areas.</li> <li>Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour</li> <li>Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).</li> <li>Install “shaker plates” prior to construction activity where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment prior to leaving the site.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Design review and building permit approvals</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Building construction, confirm implementation prior to certificates of occupancy</p>	
<p><b>Mitigation Measure AQ-1: Incorporate Dust Suppression Measures.</b> The Construction Contractor will ensure that the following dust suppression measures in the SCAQMD CEQA Air Quality Handbook are implemented to reduce the project’s emissions:</p> <ul style="list-style-type: none"> <li>Revegetate disturbed areas.</li> <li>Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour</li> <li>Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).</li> <li>Install “shaker plates” prior to construction activity where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment prior to leaving the site.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>Pave, water, or chemically stabilize all on-site roads.</li> <li>Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations.</li> </ul>			
<p><b>Mitigation Measure AQ-2: Utilize Tier 4 Construction Equipment.</b> All non-road construction equipment greater than 50 horsepower shall meet EPA Tier 4 emission standards with the following exception. Equipment with an engine compliant with only Tier 3 emissions standards will be allowed on a case-by-case basis only when the applicant shows a good faith effort to procure Tier 4 equipment, and documents that no Tier 4 equipment is available for a particular equipment type within the County of San Bernardino within the scheduled construction period. Each case shall be documented with signed written or emailed correspondence by the appropriate construction contractor, along with documented correspondence from at least two construction equipment rental firms representing a good faith effort to locate engines that meet Tier 4 requirements, as applicable. Documentation will be submitted to City staff for review before Tier 3 equipment is used on the project.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	
<p><b>Mitigation Measure AQ-3: Use Low-VOC Paints.</b> The project shall utilize “Super-Compliant” low-VOC paints that have been reformulated to exceed the regulatory VOC limits put forth by SCAQMD’s Rule 1113 (BACM AQ-2). Super-Compliant low-VOC paints shall be no more than 10 grams per liter of VOC. Alternatively, the applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	
<p><b>Mitigation Measure AQ-4: Use Electricity Rather than Internal Combustion Engines during Construction.</b> The Construction Contractor shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site, if available, rather than electrical generators powered by internal combustion engines.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	
<p><b>Mitigation Measure AQ-5: Use Alternative Fueled Technology during Construction.</b> The Construction Contractor shall require the use of alternative fueled, engine retrofit technology, after-treatment products (e.g., diesel oxidation catalysts, diesel particulate filters), and/or other options as they become available, including all off-road and portable</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b></p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>diesel-powered equipment.</p> <p><b>Mitigation Measure AQ-6: Require Proper Maintenance of Construction Equipment.</b> The Construction Contractor shall require that construction equipment 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 verification.</p>	<p>Prior to and during project construction</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	
<p><b>Mitigation Measure AQ-7: Submit Construction Plans.</b> Prior to the issuance of any grading permits, the applicant and/or building operators shall submit construction plans and a construction vehicle management plan to the City of Fontana denoting the proposed schedule and projected equipment use. The construction vehicle management plan will include such things as: specifying idling time requirements; requiring hour meters on equipment; and documenting the serial number, horsepower, age, and fuel of all on-site equipment.</p> <p>The plan shall include that California state law requires equipment fleets to limit idling to no more than 5 minutes. Construction contractors shall provide evidence that the standards contained in Mitigation Measure AQ-2 are met concerning non-road construction equipment greater than 50 horsepower to ensure low emission mobile construction equipment will be utilized. Contractors shall also conform to any construction measures imposed by the SCAQMD as well as City of Fontana Community Development Planning Staff.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit</p>	
<p><b>Mitigation Measure AQ-8: Require Construction Equipment to Turn Off When Not in Use.</b> The Construction Contractor shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, will be turned off when not in use for more than 5 minutes.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During construction</p>	
<p><b>Mitigation Measure AQ-9: Timing of Construction Activities.</b> Construction activity associated with off-site utility and infrastructure improvements shall not occur concurrently with site preparation, grading, building construction, architectural coating, or paving phases of</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>activity.</p> <p><b>Mitigation Measure AQ-10: Incorporate EPA Smartway features.</b> The City shall require operators of the project to ensure that heavy-duty trucks incorporate EPA SmartWay features, as required by law. Project operators shall maintain a daily log of incoming and outgoing haul trucks documenting that heavy-duty trucks are fitted with compliant aerodynamic kits and low rolling resistance tires to reduce aerodynamic drag and tire rolling resistance forces, thereby reducing fuel consumption and resulting GHG emissions by approximately 4%–5% as identified in the regulation.</p> <p><b>Mitigation Measure AQ-11: Energy Efficiency in Vendor Trucks.</b> The City shall require operators of the proposed facilities to request that the vendor trucks incorporate energy efficiency improvement features through the voluntary Carl Moyer Program including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires to reduce fuel consumption.</p> <p><b>Mitigation Measure AQ-12: Incorporate Electric Vehicle Charging Stations and Carpool Parking.</b> The project shall be designed to incorporate electric vehicle charging stations and five carpool parking spaces at each building for employees and the public to use.</p> <p><b>Mitigation Measure AQ-13: Provide Electric Interior Vehicles.</b> All buildings shall be designed to provide infrastructure to support use of electric powered forklifts and/or other interior vehicles.</p>	<p><b>Implementation Phase</b> Prior to and during off-site utility and infrastructure improvements construction</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During Plan Check and prior to issuance of Certificate of Occupancy</p>	<p>Grading Permit</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> During Plan Check and prior to issuance of Certificate of Occupancy</p>	



Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p><b>Mitigation Measure AQ-14: Provide Ridesharing and Transit Incentives.</b> The project will reduce vehicle miles traveled and emissions associated with trucks and vehicles by implementing the following measures:</p> <ul style="list-style-type: none"> <li>• Pedestrian and bicycle connections, including sidewalks, bicycle lanes, and trails, shall be provided to surrounding areas in accordance with City requirements and policies for pedestrian and bicycle facilities set forth in the City’s Municipal Code and General Plan.</li> <li>• A Transportation Management Association (TMA) or similar mechanism shall be established by the project applicant. The TMA shall establish and coordinate a carpooling program, including traditional carpooling as well as web-based “car sharing” /”ride sharing”; and reserve car sharing vehicles. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees including subsidizing use of transit by employees and shall provide shuttle service to and from public transit, should a minimum of five (5) employees request and use such service from a transit stop at the same drop-off and/or pick-up time. The TMA shall distribute public transportation information to project site employees. The TMA shall provide message board space and web-based page for coordination rides.</li> <li>• Preferential parking for carpools and vanpools shall be provided on each warehouse site.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	
<p><b>SP-AQ-1: Encourage Ridesharing and Transit Incentives.</b> Each building operator will be required to support and encourage ridesharing and transit incentives for the construction crew by providing crews with the needed resources to organize rideshares, such as bulletin boards or email announcements. The Construction Contractor will also fully or partially subsidize transit fares or passes for the construction crew members who can feasibly use transit.</p>	<p><b>Responsible Party(s)</b> Individual building operators</p> <p><b>Implementation Phase</b> Ongoing operations</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Annual inspections</p>	
<p><b>SP-AQ-2: Erosion Control Plan.</b> Prior to commencing grading operations, the applicant for any grading permit shall prepare an erosion control and sediment plan for approval by the City of Fontana. Access roads within the area being graded shall be kept wet while being used. Alternatively, uncovered soils shall be treated with oil, asphaltic concrete, concrete, or other similar material approved by the City of</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Grading plans</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of grading permits, site grading</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>Fontana as a means of dust suppression.</p> <p><b>SP-AQ-3: Require Contractors and Building Operators to Use 2010 Model Year or Particulate Matter Traps for All On-road Heavy-Duty Diesel Trucks.</b> The project will require contractors and building operators (by contract specifications) to utilize on-road heavy-duty diesel trucks having a 2010 model year engine or newer equipped with a particulate matter trap.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor for construction Building operators for ongoing operations</p> <p><b>Implementation Phase</b> Grading plans for construction Occupancy permits for operations</p>	<p><b>Responsible Party(s)</b> City of Fontana for construction Property Owners’ Association and City of Fontana for operations</p> <p><b>Monitoring Period</b> Building permit applications and grading for construction Annual reporting by Property Owners; Association, review of reports and inspection by City for operations</p>	
<p><b>SP-AQ-4: Odor Emissions.</b> All uses shall be operated in a manner such that no offensive odor is perceptible at or beyond the property line of that use.</p>	<p><b>Responsible Party(s)</b> Building operators</p> <p><b>Implementation Phase</b> Ongoing operations</p>	<p><b>Responsible Party(s)</b> SCAQMD</p> <p><b>Monitoring Period</b> Respond to any complaints during operations</p>	
<p><b>SP-AQ-5: Dust Control, Operations.</b> Any operation or activity that might cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution, which can cause damage to human health, vegetation, or other forms of property, or can cause excessive soiling on any other parcel, shall conform to the requirements of the South Coast Air Quality Management District.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor for construction Building operators for ongoing operations</p> <p><b>Implementation Phase</b> Grading plans for construction Ongoing operations</p>	<p><b>Responsible Party(s)</b> SCAQMD</p> <p><b>Monitoring Period</b> Respond to any complaints</p>	
<p><b>SP-AQ-6: Utilize Electric Cargo Handling Equipment.</b> All on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) and all on-site</p>	<p><b>Responsible Party(s)</b> Building operators</p> <p><b>Implementation Phase</b></p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b></p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
indoor forklifts will be powered by electricity.	Ongoing operations	Unscheduled inspections	
<b>4.2.3 Biological Resources</b>			
<p><b>Mitigation Measure BIO-1: Pre-Construction Focused Surveys of Proposed Conservation Area and Development Area to Confirm Absence of Special-Status Species.</b></p> <p><i>Pre-construction Surveys within the Proposed Conservation Area for San Diego Black-tailed Jackrabbit.</i> At least 48 hours prior to initiation of water pipeline construction activities, the 5.2-acre construction area shall be surveyed to confirm the absence of San Diego black-tailed jackrabbits. If individuals of the species are observed within the construction footprint, their movements shall be monitored until it can be confirmed that each individual has left the pipeline construction area. After that, exclusion fencing shall be established to prevent individuals of the species from re-entering the construction area during construction.</p> <p><i>Pre-construction Survey within the Proposed Development Area for Western Burrowing Owl.</i> The project applicant shall retain a qualified biologist to conduct preconstruction surveys for burrowing owls no fewer than 14 days prior to any ground-disturbing activities, to be repeated 24 hours prior to grading. The preconstruction surveys shall be approved by the City of Fontana Director of Community Development and conducted in accordance with current survey protocols provided in the CDFW Staff Report on Burrowing Owl Mitigation (March 7, 2012). In the event a burrowing owl is found to be present on site during the preconstruction survey, the project applicant shall ensure that the applicable avoidance measures outlined in the CDFW Staff Report on Burrowing Owl Mitigation (March 7, 2012) are applied to the proposed project (e.g., avoid direct impacts on occupied burrows during nesting season). Any active avoidance measures during the breeding season must to be coordinated with CDFW.</p> <p><i>Pre-construction Nesting Bird Survey of the Proposed Development Area.</i> Nesting birds are protected pursuant to the MBTA and California Fish and Game Code. If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (January 1 to August 31), a preconstruction clearance survey for nesting birds shall be completed no more than 3 days prior to ground disturbance. This will ensure that no nesting birds adjacent to the construction area will be disturbed during construction. If</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to ground disturbance and during construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>nesting birds are found, an avoidance buffer no less than 300 feet shall be established around the nest until all young have fledged and the nest is confirmed by a qualified biologist to be no longer active.</p> <p><i>Pre-construction Surveys for Special-Status Plants:</i> Prior to construction, or any other project site development-related ground disturbance activities including vegetation removal within RSS habitat that would occur during water pipeline construction, the applicant shall conduct pre-construction presence/absence surveys for Plummer’s mariposa lily, Parry’s spineflower, and paniculate tarplant by a qualified botanist. Surveys shall be conducted in accordance with CNPS and CDFW rare plant survey guidelines and shall be conducted during the flowering period when each species is most readily identifiable. A botanist shall determine the blooming period for each species and verify blooming during the growing season by visiting a reference site to observe if the target species is flowering or otherwise identifiable. A species-specific survey may be required for each special-status plant depending upon the blooming period.</p> <p>Any special-status plant populations shall be mapped in the field. If the presence of any special-status plant species is confirmed, a copy of the survey results shall be forwarded to CDFW for entry into the CNDDDB. In the event that special-status plants are not identified within the WVLCSP development areas, including areas used for construction, no further action is required.</p> <p>If special-status species are determined to be present within the RSS habitat, then prior to issuance of project grading permit, a 5-year on-site restoration mitigation and monitoring program subject to CDFW review and to be included as part of the Streambed Alteration Agreement shall be developed and implemented for any planting areas established to mitigate impacts on special-status plant species. Restoration success criteria shall include:</p> <ol style="list-style-type: none"> <li>1. Establishment of mitigation site(s) within the conservation area, where plant restoration will occur.</li> <li>2. Identification by a qualified botanist of an appropriate plant palette and restoration methodology compatible with the specific affected special-status species. Mitigation sites could include existing RSS habitat areas in the preservation area, depending on site conditions and locations of special-status plants found.</li> </ol>			

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p><b>Mitigation Measure BIO-2: Installation of Environmentally Sensitive Area Fencing to Prevent Encroachment into the 55.23-acre Conservation Area during Construction.</b> At or before the start of construction, including pre-construction establishment of staging areas and/or initiation of grading activities, Environmentally Sensitive Area (ESA) fencing shall be installed along the western limits of disturbance to prevent encroachment into preserved lands. Educational signage shall also be posted to inform workers and area residents of the sensitivity of biological resources in the area. The fencing shall be inspected by a qualified biological monitor once per week during construction to ensure the fencing is intact and construction activities are not encroaching into preserved lands.</p> <p>Implementation of this measure would not be required should the permanent fencing or barrier called for in Mitigation Measure BIO-5 be constructed prior to the start of construction.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to ground disturbance and during construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	
<p><b>Mitigation Measure BIO-3: Habitat Mitigation and Monitoring Plan.</b> In coordination with the CDFW Streambed Alteration Agreement, a habitat mitigation and monitoring plan (HMMP) and up to 5 years of post-restoration monitoring and reporting will be established for the 55.23-acre conservation area. The HMMP must include the following key actions to protect the conservation area RSS habitat:</p> <ul style="list-style-type: none"> <li>• Document the baseline conditions within the RSS Open Space Area.</li> <li>• Eradicate weeds and other undesirable plants within the disturbed portions of the RSS Open Space Area. Tasks include conducting weed eradication or thinning, disposing of weed species annually, reseeding, and bi-annual monitoring of the site to document treatment actions.</li> <li>• Remove olive trees and pepper trees within the conservation area and implement restoration of RSS in their place.</li> <li>• Create vegetated areas along the southern boundary of the project site to accommodate potential avian movement between Rattlesnake Mountain and the Jurupa Hills regions.</li> <li>• Control and prevent trespassing, dumping and other human intrusion into the RSS open space area through permanent fencing, signage, and coordination with the City of Fontana.</li> <li>• Eliminate signs of human disturbance through annual cleanup.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Grading Permit and up to 5 years of post- restoration monitoring and reporting</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and up to 5 years of post-restoration monitoring and reporting</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p><b>Mitigation Measure BIO-4: On-site Restoration of 16 Acres of RSS within the Proposed Conservation Area.</b> A minimum of 16 acres of area shall be restored to establish additional RSS plant community within the conservation area (see Figure 4.2.3-4). Appendix D includes a detailed plant palette that would be utilized for restoration of the RSS plant community within the conservation area. Restoration of RSS would occur in the portions of the conservation area that currently support non-native grasslands, disturbed areas, or non-native trees and those portions would be graded, planted, and seeded with RSS plant community species listed in Appendix D. As described in the HMMP (<b>Mitigation Measure BIO-3</b>), and in coordination with CDFW as part of the Streambed Alteration Agreement, a monitoring plan and up to 5 years of post-restoration monitoring and reporting will be established for the restored area within the 55.23-acre conservation area.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Grading Permit and up to 5 years of post- restoration monitoring and reporting</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and up to 5 years of post-restoration monitoring and reporting</p>	
<p><b>Mitigation Measure BIO-5: On-site restoration of 5.2 acres of RSS Disturbed by Water Pipeline Construction within the Proposed Conservation Area.</b> Immediately following conclusion of construction of the water pipeline, the 5.2-acre pipeline construction footprint shall be planted and seeded with RSS plants consistent with the plant palette included in Appendix D. As described in the HMMP (<b>Mitigation Measure BIO-3</b>), and in coordination with CDFW as part of the Streambed Alteration Agreement, a monitoring plan and up to 5 years of post-restoration monitoring and reporting will be established for this area that occurs within the conservation area on site.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Following construction of water pipeline</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Following construction of water pipeline and up to 5 years of post-restoration monitoring and reporting</p>	
<p><b>Mitigation Measure BIO-6: Post-Construction Long-term Management and Protection of Proposed Conservation Area.</b> A permanent fence or barrier shall be erected to protect the 55.23-acre conservation area, the RSS habitat, and restored RSS habitat proposed to occur there. The design and materials used for the fencing shall be consistent with fuel management zone specifications for fencing. The fence shall consist of a three or four rail wooden fence, three or four strand barbless wire with metal t-posts, or other such materials and configuration that will allow for the passage of wildlife while restricting project personnel and the public from accessing the preserved lands. Coordination with a qualified biologist shall occur for the fence design to ensure the fence will not restrict movement of mammals or entangle wildlife. Signage will also be installed that clearly states that access</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Post-construction of the conservation area.</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Property owners’ association for maintenance inspections of the conservation area</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>beyond the fence is prohibited. To remain consistent with aesthetic considerations, signage shall be installed where it is easily visible, but not visually obtrusive. The project applicant shall be responsible for the cost and implementation of fencing and signage. The project applicant shall also be responsible for maintenance of the fencing and signage until a Property Owners' Association is established that will assume such responsibility in perpetuity.</p>			
<p><b>Mitigation Measure BIO-7: Replacement of Affected Wetland Areas.</b>                      At a minimum, compensation at a 1:1 ratio for the loss of 0.27 acre of waters of the State and 0.47 acre of area that meets the CDFW jurisdictional definition would occur off site through the purchase of credits at a local mitigation bank.                      The in-lieu fee program or off-site mitigation bank credits purchased shall be documented and included in the CDFW Streambed Alteration Agreement required to be provided to the City prior to initiation of site grading activities.</p>	<p><b>Responsible Party(s)</b>                      Project applicant or applicant's representative/contractor  <b>Implementation Phase</b>                      Prior to issuance of Grading Permit and during construction</p>	<p><b>Responsible Party(s)</b>                      City of Fontana  <b>Monitoring Period</b>                      Prior to issuance of Grading Permit and during construction</p>	
<p><b>Mitigation Measure BIO-8: Perform Tree Inventory and Protect, Relocate, or Replace any City-designated Heritage, Significant, or Specimen Trees in Accordance with City Code Requirements.</b> A certified arborist shall perform a tree inventory to identify the heritage, significant, or specimen trees within the limits of disturbance. The arborist will document species, age, size, structure, and trunk diameter. If one or more heritage, significant, or specimen trees that occur within the limits of disturbance would be disturbed or removed by project activities, the project applicant shall be responsible for the protection, relocation, and/or replacement of the tree(s). A permit for the removal of these trees will be required (Section 28-68) along with implementation of the protective measures (Section 28-66) to avoid impacts on heritage, significant, and specimen trees outside of the limits of disturbance. Trees that will be removed must be replaced or relocated per the guidelines in Section 28-67 of the Tree Preservation Ordinance.                      As indicated by Section 28-65 of the Tree Preservation Ordinance, no permit or replacement shall be required for the removal of: damaged parts of a heritage, significant, or specimen tree that has sustained an injured trunk, broken limbs, or uprooting as a result of storm damage or other acts of God, which create a hazard to life or property; trees that are determined to be diseased and/or dead by a certified arborist and</p>	<p><b>Responsible Party(s)</b>                      Project applicant or applicant's representative/contractor  <b>Implementation Phase</b>                      Prior to issuance of grading permit and tree removal</p>	<p><b>Responsible Party(s)</b>                      City of Fontana  <b>Monitoring Period</b>                      Prior to issuance of Grading Permit and tree removal permit</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>approved by the City staff; trees that are determined to be hindering the safe application or installation of traffic control devices or roadway improvements in the public right-of-way or trees that hinder the line of site as determined by the City engineer; or trees that are determined to be within the ultimate right-of-way as shown within the circulation element of the City’s General Plan.</p> <p><b>SP-B-1: Open Space – Natural Area.</b> The West Valley Logistics Center Specific Plan sets aside 55.23 acres of natural open space in the western portion of the West Valley Logistics Center Specific Plan area to protect existing habitat areas. No buildings are permitted within this area, and only uses consistent with the habitat conservation purpose of the area will be permitted.</p> <p><b>SP-B-2: Habitat Management Plan.</b> The <i>Riversidean Sage Scrub Habitat Mitigation and Monitoring Plan</i> prepared as part of the West Valley Logistics Center Specific Plan provides for the long-term management of the on-site Riversidean sage scrub (RSS) habitat. It preserves in perpetuity 44.8 acres of RSS habitat located on the eastern edge of the Jurupa Mountains.</p> <p><b>SP-B-3: Avian Habitat Feature.</b> An avian habitat feature will be created using ground-level native plantings and rooftop plantings of Riversidean sage scrub (RSS) habitat plant species to create vegetative substrate that could facilitate avian species’ east-west dispersal between the proposed 55.23-acre on-site RSS conservation area and nearby undeveloped RSS habitats.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Tentative parcel map</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of grading permit</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Building permit and construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to recordation of parcel map</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of grading permit</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Review building permit, building construction inspections</p>	
<b>4.2.4 Cultural Resources</b>			
<p><b>Mitigation Measure CUL-1: Monitoring for Archaeological Resources during Construction.</b> Prior to commencement of any grading activity on the project site and consistent with the finding and recommendations of the cultural resources surveys and reports for the proposed project, as well as requests by the Gabrielino/Tongva San Gabriel Band of Mission Indians and the Soboba Band of Luiseno Indians, qualified archaeological monitor(s) shall be retained by the applicant after consultation with representatives of the two Tribes to be present during all excavation activities occurring within 100 meters of each of following sites: P-19-</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Grading Permit and during ground disturbing activities</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during ground disturbing activities</p>	



Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>17932, CA-SBR-1573, and CA-SBR-714. The monitor(s) shall work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology. The monitor(s) shall be empowered to temporarily halt or redirect construction work in the vicinity of any find until a qualified archaeologist can evaluate it. The monitor(s) shall be present at the pre-grade conference in order to explain the cultural mitigation measures associated with the project, and shall be present on site during all ground-disturbing activities to implement the project Monitoring Plan.</p> <p><b>Mitigation Measure CUL-2: Unanticipated Discovery of Cultural Resources.</b> Prior to commencement of any grading activity on the project site and consistent with the findings and recommendations of the cultural resources reports pertaining to the sensitivity of each area on the project site for cultural resources, the applicant shall prepare an Archaeological Monitoring Plan. The Monitoring Plan shall be prepared by a qualified archaeologist for review and approval by the City of Fontana Director of Community Development. The Monitoring Plan shall include at a minimum:</p> <ul style="list-style-type: none"> <li>• A list of personnel involved in the monitoring activities;</li> <li>• A description of how the monitoring will occur;</li> <li>• A description of the frequency of monitoring (e.g., full time, part-time, spot checking);</li> <li>• A description of what resources may be discovered;</li> <li>• A description of circumstances that would result in the halting of work at the project site (e.g., what is considered a “significant” archaeological site);</li> <li>• A description of the procedures for halting work on the site and notification procedures; and</li> <li>• A description of monitoring reporting procedures.</li> </ul> <p>Should any cultural resources be discovered during monitoring of project construction activities, the onsite cultural resources monitor shall stop work actions within 100 feet of the discovery until such time as the resource can be evaluated by a qualified archaeologist to determine its significance and make appropriate treatment recommendations. Project personnel shall not collect or move any cultural resource materials. To the extent feasible, project activities shall avoid such resources. Where avoidance is not feasible, the resources shall be evaluated for their</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Grading Permit and during ground disturbing activities</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during ground disturbing activities</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>eligibility for listing in the California Register of Historical Resources. If a resource is not eligible, avoidance is not necessary.</p> <p>Disturbance and other adverse effects on any resource determined to be eligible shall be avoided. Should avoidance be infeasible, adverse effects shall be mitigated.</p> <p>Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a cultural resource mitigation or data recovery plan that makes provisions for adequately recovering the scientifically consequential information from and about the resource (see California Code of Regulations Title 4(3) Section 15126.4(b)(3)(C)). The data recovery plan shall be prepared and adopted prior to any excavation and should make provisions for sharing information with Tribes that have requested Senate Bill 18 consultation. Results of the data recovery plan shall be deposited with the regional California Historical Resources Information Center repository.</p> <p>Prehistoric resources may include lithics, ceramics, animal bone, or concentrations of burned rock, while historical resources may include glass, ceramics, or building foundations.</p> <p>It shall be the responsibility of the City of Fontana Department of Public Works to verify that the Archaeological Monitoring Plan is implemented by the applicant during project grading and construction.</p> <p>Upon completion of all mitigation activities, the consulting archaeologist shall submit a monitoring report to the City of Fontana Director of Community Development and to the San Bernardino Archaeological Information Center summarizing all monitoring and mitigation activities and confirming that all mitigation requirements have been met. The monitoring report shall be prepared consistent with the guidelines of the Office of Historic Preservation's <i>Archaeological Resources Management Reports (ARMR): Recommended Contents and Format</i>. The City of Fontana Director of Community Development or designee shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of the findings and recommendations.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant's representative/ contractor</p> <p><b>Implementation Phase</b></p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to approval of the Final Geotechnical</p>	
<p><b>Mitigation Measure CUL-3. Monitoring of Paleontological Resources and Reporting.</b> Destruction of fossils of significant scientific interest shall be avoided. If fine-grained quaternary sediments are discovered below 5 feet in depth within Parcels 5 or 6 either during preparation of the Final Geotechnical Reports or geotechnical testing or during</p>			

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>construction, a qualified paleontology monitor shall monitor excavation in these areas based on a Paleontological Monitoring Plan to be prepared by a qualified paleontological consultant for review and approval by the City. The paleontology monitor shall have the authority to reduce monitoring if, in his or her professional opinion, sediments being monitored are previously disturbed. Monitoring may also be reduced by the paleontological monitor if the potentially fossiliferous geologic units previously described are not found to be present or, if present, are determined by qualified paleontological personnel to have low potential to contain fossil resources.</p> <p>The monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Any recovered specimens shall be prepared to a point of identification and permanent preservation, and shall be curated into a professional, accredited museum repository with permanent retrievable storage. A report of findings, with an appended itemized inventory of specimens, shall be prepared. The report and inventory, when submitted to the City of Fontana, will signify completion of the program to mitigate impacts to paleontological resources.</p>	<p>During preparation of the Final Geotechnical Reports and during ground disturbing activities</p>	<p>Report, issuance of Grading Permit and during ground disturbing activities</p>	
<b>4.2.4 Energy Resources</b>			
<p><b>Mitigation Measure EN-1: Efficient Use of Energy During Construction.</b> Project construction plan specifications shall include the following measures to be implemented by the Construction Contractor to prevent the wasteful or inefficient use of energy and fuel during construction:</p> <ul style="list-style-type: none"> <li>• Implement work schedules and procedures that minimize equipment idle time and double-handling of material;</li> <li>• Switch off office equipment and lights when not in use;</li> <li>• Use solar power resources for road signs and other applicable equipment required at the construction site; and</li> <li>• Design all temporary roads to minimize travel distances.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Grading Permit and during construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	
<b>4.2.5 Geology and Soils</b>			
<p><b>Mitigation Measure GEO-1: Final Geotechnical Studies/Incorporate Foundation Design Elements Appropriate for the Project Geographic Area.</b> Prior to approval of grading permits, a specific final</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b></p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>geotechnical study for each construction site within the Specific Plan area will be provided by the applicant to the City for review and approval. A qualified registered geologist or engineer will verify to the satisfaction of the City Director of Public Works or the Director’s designee that foundations designed for all proposed structures are appropriate and meet code requirements.</p> <p>Recommendations included in Section 3.0 and Appendix D of the 2007 Preliminary Geotechnical Report and on pages 5 through 8 of the 2013 Supplemental Geotechnical Investigation and Infiltration Testing Report (geotechnical reports are included as Appendix H to the 2<sup>nd</sup> Recirculated Draft EIR) regarding foundations, overexcavation, and recompaction of the footing subgrade soils, slab-on-grade, and seismic design parameters will be incorporated into the final geotechnical reports as appropriate based on updated findings. All foundations will be designed in accordance with California Building Code and local requirements.</p> <p>Additional recommendations from the 2007 Preliminary Geotechnical Report and the 2013 Supplemental Geotechnical Investigation and Infiltration Testing Report addendum pertaining to site clearing and preparation, temporary excavation, engineered fill placement, infiltration basins, trench backfilling, foundation design, retaining walls, slope stability, rippability, pavement design and thickness, cement type, shrinkage, and surface drainage will be implemented to minimize any negative effects associated with erosion and sedimentation.</p> <p><b>Mitigation Measure GEO-2: Geotechnical Testing During Construction.</b> Geotechnical observations and testing will be conducted as necessary during construction activities, consistent with the conclusions and recommendations presented in the final Geotechnical Studies (required per Mitigation Measure GEO-1) for development within the project area. In accordance with the final Geotechnical studies, the 2007 Preliminary Geotechnical Report and the 2013 Supplemental Geotechnical Investigation and Infiltration Testing Report measures related to trench backfill and retaining wall backfill subdrain will be implemented. Geotechnical observation and testing will be provided during the following:</p> <ul style="list-style-type: none"> <li>• After completion of site clearing.</li> <li>• During overexcavation of compressible soil.</li> <li>• During compaction of all fill materials.</li> </ul>	<p>contractor</p> <p><b>Implementation Phase</b></p> <p>Prior to issuance of Grading Permit and during construction</p> <p><b>Responsible Party(s)</b></p> <p>Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b></p> <p>Prior to issuance of Grading Permit and during construction</p>	<p>Prior to issuance of Grading and Building Permits</p> <p><b>Responsible Party(s)</b></p> <p>City of Fontana</p> <p><b>Monitoring Period</b></p> <p>Prior to issuance of Grading and Building Permits</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>• After excavation of all footings and prior to placement of concrete.</li> <li>• During retaining wall back drain construction and backfilling.</li> <li>• During utility trench backfilling and compaction.</li> <li>• During pavement subgrade and base preparation.</li> <li>• When any unusual conditions are encountered.</li> </ul>			
<b>4.2.6 Greenhouse Gas Emissions</b>			
<p><b>Mitigation Measure GHG-1: Provide Solar Installations on Roofs:</b> All buildings shall be designed to provide rooftop solar energy systems except in rooftop areas where avian habitat feature areas will be created using rooftop plantings of Riversidean sage scrub (RSS) habitat plant species to create vegetative substrate that could facilitate avian species' access east-west dispersal between to the proposed 55.23-acre on-site RSS conservation area and nearby undeveloped RSS habitats.</p>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant's representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	
<p><b>SP-GHG-1: Incorporate Water Conservation and Efficient Measures for Landscaping.</b> The project will devise a comprehensive water conservation strategy in compliance with California Green Building Standards Code Water Efficiency Measures and Leadership in Energy and Environmental Design Neighborhood Development standards to reduce water use during project operation. The strategy will include the following, plus other innovative measures that may be appropriate.</p> <ul style="list-style-type: none"> <li>• Install drought-tolerant plants for landscaping.</li> <li>• Use recycled water for landscape irrigation within the project at such time as it can be made reasonably available. Install the infrastructure to deliver and use recycled water, as part of street improvements within the project site along Jurupa Avenue, Locust Avenue, Alder Avenue, and Armstrong Road as needed to provide recycled water for landscape irrigation when available.</li> <li>• Install water-efficient irrigation systems, such as weather-based and soil-moisture-based irrigation controllers and sensors, for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.</li> <li>• Ensure that all landscape and irrigation measures are in compliance with the City of Fontana's Municipal Code Article IV, Landscaping and Water Conservation.</li> </ul>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant's representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p><b>SP-GHG-2: Design Building Components to Meet 2016 Title 24 Standards.</b> The project will design building shells and building components, such as windows; roof systems; electrical and lighting systems; and heating, ventilating, and air conditioning systems, to meet 2016 Title 24 standards, which are 5 percent more stringent than the 2013 Title 24 Standards, which were in turn 30 percent more stringent than the 2008 Title 24 standards for nonresidential buildings.</p>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	
<p><b>SP-GHG-3: Design CALGreen Compliant Buildings.</b> Buildings will be designed to provide CALGreen Standards with Leadership in Energy and Environmental Design features for potential certification and will employ energy and water conservation measures in accordance with such standards. This includes design considerations related to the building envelope; heating, ventilating, and air conditioning; lighting; and power systems.</p>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	
<p><b>SP-GHG-4: Provide Electrical Connections at Loading Docks.</b> Electrical outlets will be provided in loading dock areas to provide power for trucks to keep their cargo cool without using their engines, minimizing idling time to reduce air emissions and use of fuel on site.</p>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	
<p><b>SP-GHG-5: Utilize Energy-efficient Lighting.</b> The project will utilize energy-efficient interior and exterior lighting, including light-emitting diodes, T5 and T8 fluorescent lamps, or other lighting that is at least as efficient. Lighting will incorporate motion sensors that turn lighting off when not in use.</p>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	
<p><b>SP-GHG-6: Select Efficient Refrigerants and Heating, Ventilating, and Air Conditioning (HVAC) Systems.</b> Refrigerants and HVAC equipment will be selected to minimize or eliminate the emission of compounds that</p>	<p><b>Responsible Party(s)</b> Building permit applicant or applicant’s</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b></p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>contribute to ozone depletion and global warming. Ventilation and HVAC systems will be designed to meet or exceed the minimum outdoor air ventilation rates described in the American Society of Heating, Refrigeration, and Air Conditioning Engineers standards and/or per California Title 24 requirements.</p> <p><b>SP-GHG-7: Provide Landscaped Parking Lots.</b> Surface parking lots will be well landscaped to reduce the heat island effect. Parking lot landscaping will be planted with 15-gallon trees at a rate of one tree per every four parking stalls. The trees may be clustered, but a minimum of one cluster will be provided for each 100 feet of parking row. Trees will be selected and placed to provide canopy and shade for the parking lots.</p> <p><b>SP-GHG-8: Recycling Program: Operational Sustainability.</b> The Project shall implement a recycling program in order to meet a 50 percent minimum waste diversion goal, consistent with Section 24-2 of the City’s Municipal Code.</p>	<p>representative/ contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> Building permit applicant or applicant’s representative/contractor</p> <p><b>Implementation Phase</b> During construction and prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> Building operators</p> <p><b>Implementation Phase</b> Ongoing operations</p>	<p>Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Annual monitoring of waste hauler</p>	
<b>4.2.7 Hazards and Hazardous Materials</b>			
<p><b>Mitigation Measure HAZ-1: Engineering Controls and Best Management Practices during Construction.</b> During construction, the contractor will employ use of engineering controls and best management practices to minimize human exposure to potential contaminants. Engineering controls and construction best management practices specified on project construction plans for review and approval by the City Department of Community Development will include, but not be limited to, the following.</p> <ul style="list-style-type: none"> <li>Contractor employees working on site Occupational Safety and Health will be certified in the Administration’s 40-hour Hazardous Waste Operations and Emergency Response training.</li> <li>The contractor will monitor areas around the construction site for fugitive vapor emissions with appropriate field screening instrumentation.</li> <li>The contractor will water/mist soil as it is being excavated and loaded onto transportation trucks.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>The contractor will place any stockpiled soil in areas shielded from prevailing winds.</li> <li>The contractor will cover the bottom of excavated areas with sheeting when work is not being performed.</li> </ul>			
<p><b>Mitigation Measure HAZ-2: Clear Materials that Could Serve as Fire Fuel from Construction Areas.</b> Prior to ground clearing, grading and other ground disturbance construction activities contractors will clear areas of dry vegetation or other potential fire fuels on or near staging areas, welding areas, or any other areas on which equipment will be operated. The City will require contractors to maintain areas subject to construction activities clear of combustible natural to maintain firebreaks and minimize the availability of fire fuels. Proposed staging areas to be cleared will be identified with the assistance of a qualified biologist to avoid conflicts with policies to preserve protected habitat areas. Staging and clearing will not be permitted in protected habitat areas. This requirement will be included on project construction plan specifications and reviewed for approval by the Fontana Fire Protection District prior to issuance of grading permits.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to and during project construction</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	
<p><b>SP-HM-1: Sampling and Remediation.</b> Prior to submittal of a grading permit for the West Valley Logistics Center Specific Plan area, a Phase II Environmental Site Assessment (ESA) will be prepared for any portions of the project area in which there is evidence of previous contamination, as identified in the Phase I ESA. The Phase II ESA will be submitted to the Fontana Director of Community Development and the San Bernardino County Division of Environmental Health Services (DEHS) for review and approval. The Phase II ESA will include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>A scope of work for preparation of a Health and Safety Plan that specifies pre-field activity marking of boring locations and obtaining utility clearance, and Field Activities, such as identifying appropriate sampling procedures, health and safety measures, chemical testing methods, and quality assurance/quality control procedures in accordance with the ASTM International Standards.</li> <li>Necessary permits for well installation and/or boring advancement.</li> <li>A Soil Sampling and Analysis Plan in accordance with the scope of work.</li> <li>Laboratory analyses conducted by a state-certified laboratory.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to grading permit</p>	<p><b>Responsible Party(s)</b> San Bernardino County Division of Environmental Health Services</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	



Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>• Disposal processes, including transport by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat hazardous waste.</li> <li>• An asbestos-containing materials survey for analysis of demolition/construction debris located on site.</li> </ul> <p>The Phase II ESA shall provide verification whether any portions of the project site are contaminated and require remediation to achieve risk-based cleanup standards<sup>1</sup> of an acceptable excess cancer risk of <math>1 \times 10^{-5}</math> or as otherwise established by the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), or DEHS for construction workers and workers within proposed uses on site. The applicant and project contractor(s) shall be required to follow the recommendations and specific measures included in the Phase II ESA, specifically if contamination exists on site, and follow measures for site remediation in accordance with the applicable regulatory agency. If any hazardous materials are discovered, a plan for their proper remediation shall be prepared in accordance with applicable requirements of the California Division of Occupational Safety and Health and the County of San Bernardino Environmental Health Services. Should underground storage tanks be determined to remain on site, they shall be removed pursuant to the recommendations of the Phase II ESA and the applicable requirements of the City of Fontana, DTSC, RWQCB, and DEHS.</p> <p>In the event that that the Phase II ESA identifies contamination on site, the following remediation measures may be employed (site specific recommendations and measures will be included in the Phase II ESA based on sampling results):</p> <ul style="list-style-type: none"> <li>• Targeted Excavation with Off-site Disposal. With this technology, heavily contaminated soil is excavated and transported by truck or rail to a permitted off-site treatment and disposal facility.</li> </ul>			

<sup>1</sup> Regulatory agencies have historically used conservative standard-based criteria (i.e., drinking water standards) or required cleanups to background levels, often assumed to be pristine environments, which can sometimes lead to costly cleanup requirements. There has recently been a trend to use site-specific risk-based cleanup goals instead of standard-based or background levels. Rather than pre-determining specific contaminant levels to be applied to every site regardless of the risks involved in exposure of the public to contaminants, risk-based cleanup goals involve application of performance standards (e.g., acceptable cancer risk) to site-specific conditions based on actual health and environmental risk posed by contaminants in the ground or water. As a result, land uses where risks to the public health are higher (e.g., residential) will have more stringent clean-up requirements than would less sensitive uses (e.g. industrial), given the same level of cancer risk (City of Brisbane. 2013. Brisbane Baylands Draft Environmental Impact Report. State Clearinghouse #2006022136. Prepared for City of Brisbane, CA by ESA. June. Available: <http://www.ci.brisbane.ca.us/baylands-deir>).

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>Pretreatment may be required at the disposal facility prior to disposal.</p> <ul style="list-style-type: none"> <li>• Targeted Excavation with On-site Treatment. With this technology, heavily contaminated soil is excavated and stockpiled on site for treatment and subsequent reuse on site. Potential treatment technologies include:                             <ul style="list-style-type: none"> <li>○ Plasma arc centrifugal treatment technology, which uses heat generated by a plasma arc to melt the inorganic portion of waste material while destroying the organic portion, creating an inert slag that can be reused on site;</li> <li>○ Smoldering treatment technology, a new technology to remediate oil in the subsurface, either in situ or above ground in treatment chambers following excavation that uses smoldering combustion (the type of combustion that turns charcoal into ash in a barbeque grill) to quickly and efficiently destroy contaminants; and</li> <li>○ Bioremediation, which uses naturally occurring microorganisms to degrade organic contaminants in soil.</li> </ul> </li> <li>• Targeted Excavation with On-site Extraction. With this technology, moderately contaminated soil is excavated and placed in areas that will be covered by soil, concrete slabs, or other structures that prevent contact with the soil.</li> </ul>			
<p>All grading within the boundaries of the former Crestmore Waste Disposal Site shall be in accordance with the requirements of California Code of Regulations Title 27, Environmental Protection.</p>			
<p><b>Installation of Sub-slab Vapor Barriers.</b> To minimize potential vapor intrusion into proposed new buildings within 1,000 feet of the Crestmore Waste Disposal Site footprint, sub-slab vapor barriers can be employed in the proposed project area as a passive option if methane testing conducted prior to issuance of building permits indicates the presence of methane or other volatile gases.</p>			
<p>Additionally and prior to site construction, the applicant shall undertake the following actions in accordance with the performance standards provide herein to ensure safe conditions of the site.</p>			
<p><b>Additional Air Pollutant and Greenhouse Gas Emissions Analysis.</b> Should site remediation and/or soil excavation be required as part of implementation of this measure, additional analysis of the air quality and</p>			

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>greenhouse gas emissions associated with such site remediation and/or soil excavation will be required.<sup>2</sup></p> <p><b>Asbestos and Lead Based-Paint Sampling.</b> Sampling shall be undertaken to confirm the absence of asbestos and lead-based paint in the remnant construction debris on site. The soil sampling shall include applicable sampling procedures pursuant to the directives of the DEHS, and shall be subject to review by the DEHS.</p>			
<p><b>4.2.9 Hydrology and Water Quality</b></p>			
<p>There are no Mitigation Measures that address impacts related to Hydrology and Water Quality. Specific Plan requirements related to Hydrology and Water Quality are presented below.</p>			
<p><b>SP-HW-1: Implement Best Management Practices for Water Quality Management.</b> Site Design best management practices will be included in the project-wide Stormwater Quality Management Plan submitted to the City of Fontana and approved prior to the issuance of a grading permit (see Regulatory Requirement RR-HW-2). The best management practices, which include low-impact development standards, will include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Maximize permeable areas (pervious open space) of the site by reducing the amount of pavement, decreasing the project’s footprint, or by utilizing alternative paving materials in select areas.</li> <li>• Drain rooftops into pervious, swaled landscaped areas prior to discharge of overflow into storm drains.</li> <li>• Construct streets, sidewalks, and parking lot aisles to the minimum width necessary.</li> <li>• Construct walkways, parking stalls, overflow parking lots, and other low-traffic areas with open-jointed paving materials.</li> <li>• Use pervious drainage channels (rock- or grass-lined systems) for conveying parking lot runoff into storm drains.</li> <li>• Use perforated pipe, gravel infiltration pits, and drywells for low-flow infiltration following treatment by an acceptable method.</li> <li>• Construct on-site vegetated ponding areas and swaled landscaping</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Grading permit and site grading</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit and during construction</p>	

<sup>2</sup> While this measure sets performance standards for safety in relation to hazardous materials, such air quality and greenhouse analyses cannot be undertaken at this time because the actual need for remediation and specific methods to accomplish site remediation, as well as the amount of any additional grading activity to be undertaken as part of site remediation, would be determined as part of a Soil Management Plan or Remedial Action Plan undertaken prior to approval of a grading plan.

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>(not mounded) that drain within 72 hours to prevent the development of vector breeding areas.</p> <ul style="list-style-type: none"> <li>Provide curb cutouts, curb cores, or concrete mow strips and wheel stops to allow stormwater runoff to flow into swaled landscaped areas.</li> <li>Where soil conditions are suitable, construct vegetated infiltration trenches in paved parking lot areas to infiltrate and filter stormwater runoff.</li> </ul>			
<p><b>SP-HW-2: On-site Stormwater Detention:</b> On-site detention basins will be designed and sized to reduce 100-year peak flows to 90 percent of the 25-year peak flow rate for existing conditions. Detention basins within the West Valley Logistics Center Specific Plan area will be designed such that the lower elevations of the basins are used for water quality purposes. The higher elevations of the basins will be used to limit the difference between pre- and post-development peak flow rates.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Parcel map</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Review of tentative parcel map and map recordation</p>	
<p><b>4.2.10 Land Use and Planning</b></p>			
<p>There are no Mitigation Measures that address impacts related to Land Use and Planning.</p>			
<p><b>4.2.11 Noise</b></p>			
<p><b>Mitigation Measure NOI-1: Provide Rubberized Pavement.</b> To reduce the off-site traffic noise levels resulting from WVLCSP-related truck trips, the use of an asphalt rubber hot mix overlay to reduce the noise levels associated with vehicle tires traveling over pavement is required during off-site project roadway improvements on the following roadway segments:</p> <p><b>City of Fontana</b></p> <ul style="list-style-type: none"> <li>Locust Avenue: South of Jurupa Avenue (Segment #6)                             <ul style="list-style-type: none"> <li>South of Driveway 4 (Segment #7)</li> <li>South of Driveway 5 (Segment #8)</li> <li>South of 11<sup>th</sup> Street (Segment #9)</li> <li>South of 10<sup>th</sup> Street (Segment #10)</li> <li>South of 9<sup>th</sup> Street (Segment #11)</li> <li>South of 8<sup>th</sup> Street (Segment #12)</li> </ul> </li> <li>Jurupa Avenue:                             <ul style="list-style-type: none"> <li>East of Locust Avenue—eastbound lanes from Locust Avenue to Kessler Park (Segment #36)</li> </ul> </li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to the first certificate of occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana for roadways within the City San Bernardino County</p> <p>Public works Department for roadways within unincorporated areas</p> <p><b>Monitoring Period</b> Construction of off-site roadway improvements</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<b>San Bernardino County</b>			
<ul style="list-style-type: none"> <li>• Locust Avenue:                             <ul style="list-style-type: none"> <li>○ South of Slover Avenue (Segment #4)</li> <li>○ South of Santa Ana Avenue (Segment #5)</li> </ul> </li> <li>• Jurupa Avenue:                             <ul style="list-style-type: none"> <li>○ West of Cedar Avenue (Segment #37)</li> </ul> </li> </ul>	<p><b>Responsible Party(s)</b> Building operators</p> <p><b>Implementation Phase</b> Ongoing operations</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Unscheduled inspections</p>	
<p><b>SP-N-1: Noise Performance Standards:</b> The noise standard for generation of noise from any stationary noise source as it affects adjacent properties shall be:</p>			
<p>Residential      55 A-weighted decibels (dBA) (7:00 a.m.–10:00 p.m.)                          45 dBA (10:00 p.m.–7:00 a.m.)</p>			
<p>Industrial        70 dBA any time</p>			
<p>No person shall operate or cause the operation of any stationary source of noise at any location or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, to exceed:</p>			
<ol style="list-style-type: none"> <li>1. The noise standard specified above for the receiving land use for a cumulative period of more than 30 minutes in any hour.</li> <li>2. The noise standard specified above for the receiving land use plus 5 dBA for a cumulative period of more than 15 minutes in any hour.</li> <li>3. The noise standard specified above for the receiving land use plus 10 dBA for a cumulative period of more than 5 minutes in any hour.</li> <li>4. The noise standard specified above for the receiving land use plus 15 dBA for a cumulative period of more than 1 minute in any hour.</li> <li>5. The noise standard specified above for the receiving land use plus 20 dBA for any period of time.</li> <li>6. If the noise exceeding the applicable noise standard or the ambient noise level consists entirely of impact noise or simple tone noise, each of the noise levels described above shall be reduced by 5 dBA.</li> </ol>			
<p>The preceding performance standards do not apply to the following uses, each of which shall meet any applicable requirements of the City of Fontana:</p>			
<ul style="list-style-type: none"> <li>• Motor vehicles;</li> <li>• Emergency equipment, vehicles, devices, and activities; and</li> <li>• Temporary construction, maintenance, or demolition activities</li> </ul>			

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>conducted between the hours of 6:00 a.m. and 7:00 p.m.</p> <p><b>SP-N-2: Installation of Sound Barriers on Site.</b> Screen wall/noise barriers will be constructed near Buildings 1, 2, 3, 4, and 7, as shown on Exhibit 10-A of the West Valley Logistics Center Noise Impact Analysis, to shield noise from adjacent sensitive receptors, including along Locust Avenue and near sensitive receptors within the City of Jurupa Valley to the south and the County of San Bernardino to the east. Screen walls would be constructed from cement or concrete masonry units along the eastern project boundary adjacent to Building 1, with two rolling gates that can be opened and closed during truck operations at night to shield the openings for truck entrances. A screen wall would also be constructed along the western project boundary adjacent to Building 2, with a wrap-around portion on the north side to cover the parking area on the west side of the building. This screen wall would further reduce truck operational noise from the west side of Building 2 for residences to the northwest of the project side. Additionally, a screen wall would be constructed along the south/east side of Building 4. Noise barriers will be installed with noise-attenuating qualities and will have a minimum height of 12 feet above grade.</p> <p>In addition, minimum 8-foot high temporary construction noise barriers will be installed at the project site boundaries adjacent to sensitive receivers, as shown in the West Valley Logistics Center Noise Study, for the duration of mobile-equipment construction activities for the duration of the site preparation and grading stages of project construction. The noise-control barriers must have a solid face from top to bottom. The noise-control barriers must meet the minimum height and be constructed as follows:</p> <ul style="list-style-type: none"> <li>• The temporary noise barriers will provide a minimum transmission loss of 20 A-weighted decibels (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier is to be constructed using an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts.</li> <li>• The noise barrier will be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground will be promptly repaired.</li> <li>• The noise control barrier and associated elements are to be</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Site plan review, building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to certificate of occupancy</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>completely removed and the site appropriately restored upon the conclusion of the construction activity.</p> <p>Alternatively, the planned 14-foot-high permanent screen walls (noise barriers) at the eastern project site boundary adjacent to Locust Avenue, shown on Figure 3-3, if built prior to project construction, can replace the 8-foot-high temporary noise barriers intended to reduce the construction noise levels at homes on Locust Avenue between 11<sup>th</sup> and 8<sup>th</sup> Streets.</p> <p><b>SP-N-3: Truck Idling.</b> To reduce potential noise impacts related to truck idling during project operations, deed restrictions and parking lot signage shall limit the maximum number of trucks idling on the east side of Building 1 to 20 trucks during nighttime hours between 10:00 p.m. and 7:00 a.m. Proposed deed restrictions and parking lot signage will be submitted to the City of Fontana Community Development Department for review and approval prior to issuance of a certificate of occupancy.</p> <p><b>SP-N-4: Vibration Performance Standard.</b> No person shall create or cause the creation of any activity that causes a vibration that can be felt beyond the property line of any residentially zoned property with or without the aid of an instrument.</p>	<p><b>Responsible Party(s)</b> Building operators</p> <p><b>Implementation Phase</b> Ongoing operations</p> <p><b>Responsible Party(s)</b> Building operators</p> <p><b>Implementation Phase</b> Ongoing operations</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Unscheduled inspections</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Unscheduled inspections</p>	
<b>4.2.12 Population and Housing</b>			
There are no Mitigation Measures or Specific Plan Requirements that address impacts related to Population and Housing.			
<b>4.2.13 Public Services</b>			
There are no Mitigation Measures that address impacts related to Public Services. Specific Plan requirements related to Public Services are presented below.			
<p><b>SP-PS-1: Implement Crime Prevention through Environmental Design (CPTED) Measures.</b> The West Valley Logistics Center Specific Plan (Specific Plan) complies with the City of Fontana’s CPTED guidelines. As such, the Specific Plan incorporates the following measures identified to minimize crime occurrences and the need for additional police protection services:</p> <ul style="list-style-type: none"> <li>• A comprehensive security plan that includes uniformed security and video monitoring;</li> <li>• A graffiti removal plan;</li> <li>• The establishment of a Business Coalition/Neighborhood Watch program;</li> <li>• A comprehensive traffic control plan; and</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Site plan review, building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to certificate of occupancy</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>Design guidelines relative to security in semi-public and private spaces, which may include, but not be limited to, access control of buildings, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high foot traffic areas, and provision of security guard patrol throughout the project site, if needed.</li> </ul> <p><b>SP-PS-2: Fire Protection through Implementation of Safety Design Measures.</b> In order to address current plans by the Fontana Fire Protection District (FFPD) to move the fire station that is currently closest to the West Valley Logistics Center Specific Plan (Specific Plan) site to another location farther from the project site, such that the travel distance and running time from the relocated fire station to the project site would increase, the Specific Plan includes the following measures to provide for adequate fire protection and meet the requirements of the FFPD:</p> <ul style="list-style-type: none"> <li>Adequate off-site public and on-site private fire hydrants will be required; their number and location will be determined after FFPD reviews and approves the site plan.</li> <li>The proposed private street, along with any entry gates to individual building sites, will be built to City of Fontana (City) standards to the satisfaction of the City Engineer and FFPD.</li> <li>Sprinkler systems will be required throughout each structure and will be built in accordance with the City’s Municipal Code.</li> <li>Construction of public or private roadways in the proposed development will not exceed 15 percent in grade.</li> <li>Standard cut-corners will be used on all turns.</li> <li>Fire lanes and dead-ending streets will terminate in a cul-de-sac or other approved turning area. No dead-ending street or fire lane will be greater than 700 feet in length, unless approved by the FFPD.</li> <li>Secondary access will be required for Parcels 1 through 7.</li> <li>Fire lane widths will not be less than 20 feet. When a fire lane must accommodate the operation of an FFPD aerial ladder apparatus or where fire hydrants are installed, those portions will not be less than 28 feet wide.</li> <li>Where access for a given building requires accommodation of FFPD</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Site plan review, building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to certificate of occupancy</p>	



Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>apparatus, the minimum outside radius of the paved surface will be 35 feet. An additional 6 feet of clear space must be maintained beyond the outside radius to a vertical point 13 feet 6 inches above the paved surface of the roadway.</p> <ul style="list-style-type: none"> <li>Where access for a given building requires accommodation of FFPD apparatus, overhead clearance will not be less than 14 feet.</li> <li>No building or portion of a building will be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.</li> <li>Access for FFPD apparatus and personnel to and into all structures will be required.</li> </ul> <p>Provision of additional vehicular access where buildings exceed 28 feet in height as may be required by the FFPD.</p>			
<b>4.2.14 Recreation</b>			
<p><b>Mitigation Measure REC-1: Jurupa Hills Trail Realignment Plan.</b> Any realignment of the Jurupa Hills Trail as a result of the proposed project will be submitted by the applicant to the County of San Bernardino prior to or concurrent with review of the proposed WVLCSP Tentative Parcel Map(s). As a portion of the Jurupa Hills Trail is located within the project site, on private land and not entirely within a utility corridor or public lands, the trail will be realigned so as to be within the utility corridor easement in the southeastern portion of the WVLCSP project site, between proposed Parcels 5 and 6. The applicant will also submit plans for review and approval and will coordinate with utility companies regarding any change to the existing easement, specifically if any sort of development is proposed within the easement, including roadways, buildings, and accessory structures. For compliance, the applicant will provide proof to the City of Fontana Community Development Department of the County’s approval for the alignment shift prior to Tentative Parcel Map recordation.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During submission of the WVLCSP Tentative Parcel Map(s)</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to approval and recordation of the WVLCSP Tentative Parcel Map(s)</p>	
<p><b>SP-R-1: Trail Access and Location Verification:</b> The following measures are required by the West Valley Logistics Center Specific Plan:</p> <ul style="list-style-type: none"> <li>Final parcel map and grading plans shall identify the confirmed alignment of the Jurupa Hills Trail through the project site.</li> <li>Development of the West Valley Logistics Center Specific Plan shall retain access to the existing Jurupa Hills Trail and Southern</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> During submission of the</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to approval and recordation of the WVLCSP Tentative Parcel</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>California Edison Easement Trail.</p> <ul style="list-style-type: none"> <li>The Property Owners’ Association shall be charged with ensuring that on-site operations are conducted so as to not cause deterioration of the Jurupa Hills Trail and Southern California Edison Easement Trail.</li> </ul>	<p>WVLCSP Tentative Parcel Map(s) Ongoing operations</p>	<p>Map(s) Unscheduled inspections</p>	

**4.2.15 Transportation and Traffic**

<p><b>Mitigation Measure TRA-1a: Develop and Implement a Construction Management Plan.</b> Prior to the issuance of construction permits, the project applicant shall develop and implement a Construction Management Plan to the satisfaction of (1) the City of Fontana Traffic Engineer, (2) the San Bernardino County Public Works Director for roadways within unincorporated County areas, and (3) the Jurupa Valley Public Works Department for roadways within Jurupa Valley that shall:</p> <ul style="list-style-type: none"> <li>Designate traffic control for any street closure, detour, or other disruption to traffic circulation.</li> <li>Identify the routes that construction vehicles will use for the delivery of construction materials (e.g., lumber, tiles, piping, windows) to access the site, including any needed traffic controls and detours. Such routes shall be consistent with the truck routing set forth in the project’s Truck Management Plan.</li> <li>Specify the hours during which site deliveries and off-site hauling can occur and methods to mitigate construction-related impact to adjacent streets.</li> <li>Require the contractor to keep all haul routes clean and free of debris, including, but not limited to, gravel and dirt as a result of construction activities. The applicant shall clean adjacent streets, as directed by the City Traffic Engineer (or a designated representative) within the City of Fontana or the San Bernardino County Public Works Director (or a designated representative) for roadways within unincorporated County areas of any materials that may have been spilled, tracked, or blown onto adjacent streets or areas.</li> <li>Allow hauling or transport of oversize loads between 9:00 AM and 3:00 PM only, Monday through Friday, unless approved otherwise by the City Traffic Engineer within the City of Fontana, the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley. No hauling or transport</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Grading Permit and during construction</p>	<p><b>Responsible Party(s)</b> City of Fontana for roadways within the City San Bernardino County Public Works Department for roadways within unincorporated areas City of Jurupa Valley for roadways within that City</p> <p><b>Monitoring Period</b> Prior to issuance of Grading Permit</p>
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Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>will be allowed during nighttime hours, weekends, or federal holidays.</p> <ul style="list-style-type: none"> <li>• Prohibit use of local streets not specifically approved by the City Traffic Engineer within the City of Fontana, the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.</li> <li>• Require haul trucks entering or exiting public streets to yield to public traffic.</li> <li>• Provide a flag person at the intersection of Armstrong Road and Locust Avenue and any other intersections deemed necessary by the City Traffic Engineer within the City of Fontana or the San Bernardino County Public Works Director for roadways within unincorporated County areas to ensure that vehicle conflicts between haul trucks and all other vehicles are minimized.</li> <li>• Require that if hauling operations are determined to have caused any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs will be completed by the project’s contractor to the satisfaction of the City Traffic Engineer within the City of Fontana, the San Bernardino County Public Works Director for roadways within unincorporated County areas, or the Jurupa Valley Public Works Director for roadways within Jurupa Valley.</li> <li>• Require all construction-related parking and staging of vehicles to be kept out of the adjacent public roadways and instead be kept on site.</li> <li>• Meet the standards established in the current California Manual on Uniform Traffic Control Devices, as well as City of Fontana requirements within the City of Fontana, San Bernardino County requirements within unincorporated County areas, or Jurupa Valley requirements within Jurupa Valley.</li> <li>• Identify adequate access points for emergency vehicles and ensure emergency personnel would be able to identify these access points by providing a flagman, signage, or other indicator to effectively communicate emergency access during construction.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/</p>	<p><b>Responsible Party(s)</b> City of Fontana for roadways within the City</p>	
<p><b>Mitigation Measure TRA-1b: Construction of Transportation Improvements.</b> Prior to the issuance of occupancy permits for the project, construction of the traffic improvements required to mitigate all</p>			

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>direct impacts of the project within the City will be constructed. In addition to improvements called for in the proposed Specific Plan, this includes mitigation for all intersections that currently operate at an acceptable LOS, but that would operate at an unacceptable LOS with the addition of project-related traffic.</p> <p>Each improvement that will be provided by the applicant is listed in Table 4.2. 15-18 (included below) along with the required timing for the improvement.</p>	<p>contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p>	<p>San Bernardino Public Works Department for roadways within unincorporated areas</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	

Circulation Facility	Extent of Proposed Improvement	Timing for Applicant-Installed Improvements
<b>On-site Facilities</b>		
Jurupa Avenue	Widen eastbound lanes to full half-width improvements along frontage of Parcel 7.	Prior to certificate of occupancy for first building
Locust Avenue/Jurupa Avenue (TIA Intersection #20)	Add southbound through, westbound left-turn, and northbound right-turn lanes. Install a traffic signal.	Prior to certificate of occupancy for first building
Locust Avenue/Armstrong Road from Jurupa Avenue to the Riverside County line (including TIA Intersections #19-30)	Full improvements, including turning movements and signalization, as identified in the WVLCSP TIA (Appendix L).	Prior to certificate of occupancy for first building
Locust Avenue/Driveways 4, 5, 7, 8, 9 (TIA intersections 19, 20, 23, 26, 27).	Construct two-way left turn lane within Locust Avenue along project frontage.	Prior to certificate of occupancy for first building

Mitigation Measure/Specific Plan Requirement			Implementation	Monitoring	Notes/ Initials
Locust Avenue/11 <sup>th</sup> Street – Driveway 6 (TIA Intersection #21)	Install a traffic signal.	Prior to certificate of occupancy for Building 1			
Locust Avenue-Armstrong Road/7 <sup>th</sup> Street (TIA Intersection #25)	Install a traffic signal.	Prior to certificate of occupancy for Building 1			
Alder Avenue	Install a new roadway extending northwest from the existing intersection of 7 <sup>th</sup> Street and Armstrong Road/Locust Avenue.	Prior to certificate of occupancy for Building 1, 2, or 3, whichever is first.			
<b>Off-site Improvements</b>					
Locust Avenue from Jurupa Avenue to Slover Avenue	Widen Locust Avenue to provide four through travel lanes and appropriate intersection turn lanes, along with a pavement section adequate to support proposed project truck traffic. Install traffic signals at: <ul style="list-style-type: none"> <li>• Jurupa Avenue</li> <li>• 11<sup>th</sup> Street</li> <li>• 7<sup>th</sup> Street</li> </ul>	Prior to certificate of occupancy for first building			
Jurupa Avenue	Widen eastbound lanes to full half-width improvements	Prior to certificate of occupancy for first building			

Mitigation Measure/Specific Plan Requirement			Implementation	Monitoring	Notes/ Initials
	between parcel 7 and Kessler Park				
Linden Avenue/Slover Avenue Intersection	Pay 100% of the cost of signalization to San Bernardino County Installation to be undertaken by the County as part of intersection improvements funded by Nexus Project.	Prior to certificate of occupancy for first building			
Maple Avenue/Slover Avenue Intersection	Pay 100% of the cost of signalization to San Bernardino County.	Prior to certificate of occupancy for first building			

**Mitigation Measure TRA-1c: Payment of Development Impact Fees for Transportation Improvements.** Prior to the issuance of occupancy permits for a building within the WVLCSP, the applicant shall make fee payments to fund the improvements needed to mitigate the project’s contribution to impacts on intersections, freeway mainline segments, and/or ramp junctions. Such fee payments will include:

- City of Fontana Development Impact Fee (DIF), which represents the project’s required fee to mitigate impacts to both regional (Regional Transportation Development Mitigation Program) and additional local facilities, including:
  - Alder Avenue/Santa Ana Avenue (TIA Intersection #11);
  - Locust Avenue/Santa Ana Avenue intersection (TIA Intersection #19); and
  - Linden Avenue/Slover Avenue (TIA Intersection #42).
  - Fair share payment to San Bernardino County to install a traffic signal at the Alder Avenue/Slover Avenue intersection (TIA Intersection #10) that is not included in the Regional Transportation Development Mitigation Program. Fair share payment for the WVLCSP will be at the same rate being charged

**Responsible Party(s)**  
Project applicant or applicant’s representative/ contractor  
**Implementation Phase**  
Prior to issuance of Certificate of Occupancy

**Responsible Party(s)**  
City of Fontana  
**Monitoring Period**  
Prior to issuance of Certificate of Occupancy

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>by the County for projects within the unincorporated area.</p> <p><b>Mitigation Measure TRA-1d: Construct Intersection Improvements.</b> Prior to the issuance of occupancy permits for the first building within the WVLCSP, the applicant shall construct the improvements called for in the WVLCSP TIA at the following intersections:</p> <ul style="list-style-type: none"> <li>• Locust Avenue/Slover Avenue</li> <li>• Cedar Avenue/Orange Street</li> <li>• Cedar Avenue/Santa Ana Avenue</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana for roadways within the City San Bernardino County Public works Department for roadways within unincorporated areas</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy for the first building</p>	
<p><b>Mitigation Measure TRA-1e: Payment of Development Impact Fees for Transportation Improvements.</b> Prior to the issuance of occupancy permits for a building within the WVLCSP, the applicant shall make fee payments to the City to fund the improvements needed to mitigate the project’s contribution to cumulative impacts on intersections that would operate at an unacceptable LOS (or a further unacceptable LOS) in 2035. Such fee payments, based on unique traffic flow and the distribution of truck trips outside of the City of Fontana, will include:</p> <ul style="list-style-type: none"> <li>• City of Fontana Development Impact Fee (DIF), which represents required fee for mitigation of impacts to both regional (Regional Transportation Development Mitigation Program) and additional local facilities;</li> <li>• Fair share payments to San Bernardino County as mitigation for the project’s contribution of traffic and the need for the improvements described in the WVLCSP TIA (Appendix L) at the following locations:             <ul style="list-style-type: none"> <li>○ Sierra Avenue/Slover Avenue (#3)</li> <li>○ Production Avenue/Slover Avenue (#6)</li> <li>○ Tamarind Avenue/Slover Avenue (#8)</li> <li>○ Alder Avenue/Slover Avenue (#10)</li> </ul> </li> <li>• Laurel Avenue/Slover Avenue (#14)             <ul style="list-style-type: none"> <li>○ Cedar Avenue/Valley Boulevard (#43)</li> <li>○ Cedar Avenue/Slover Avenue (#47)</li> </ul> </li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/ contractor</p> <p><b>Implementation Phase</b> Prior to issuance of Certificate of Occupancy</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Prior to issuance of Certificate of Occupancy</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>○ Cedar Avenue/Jurupa Avenue (#49)</li> <li>○ Cedar Avenue/7<sup>th</sup> Street (#51)</li> <li>○ Cedar Avenue/Rubidoux Boulevard/El Rivino Road (#52)</li> </ul> <p><b>SP-TR-1: Truck Routing Plan.</b> A plan for the routing of trucks between the project site and area freeways is set forth in the West Valley Logistics Center Specific Plan (Specific Plan) to minimize impacts on nearby residential neighborhoods. The truck routing plan also includes requirements for:</p> <ul style="list-style-type: none"> <li>● Driveway designs and the geometrics of the intersection of Alder Avenue and Locust Avenue/Armstrong Road to direct trucks to the north and away from Valley Way;</li> <li>● A comprehensive roadway and highway signage program to direct trucks along designated routes between the project site and area freeways (see Section 3.4.3, <i>Circulation Improvements</i>);</li> <li>● Off-site improvements including roadway widening and signalization to accommodate project-related trucks (see Section 3.4.3, <i>Circulation Improvements</i>);</li> <li>● Requirements for providing instruction to truck drivers regarding approved routes; and</li> <li>● Requirements for the Transportation Management Committee of the Specific Plan Property Owners’ Association to monitor truck traffic and enforce applicable Specific Plan regulations.</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/contractor for construction Property Owners’ Association ongoing operations</p> <p><b>Implementation Phase</b> Prior to building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana for construction Property Owners’ Association and City of Fontana for operations</p> <p><b>Monitoring Period</b> Annual reporting by Property Owners’ Association, review of reports by City for operations</p>	
<p><b>SP-TR-2: Feasibility Studies and Fair Share Payments.</b> In addition to the physical improvements included in SP-TR-1, the West Valley Logistics Center Specific Plan (Specific Plan) includes the following requirements:</p> <ul style="list-style-type: none"> <li>● Payment of fair share fees in addition to Regional Transportation Development Mitigation Program and Fontana Development Impact Fees to the County of San Bernardino for: <ul style="list-style-type: none"> <li>○ Alder Avenue/Slover Avenue (fair share payment for signalization that is not included as part of the Regional Transportation Development Mitigation Program. Development within the Specific Plan will provide fair share payments at the same rate as the County of San Bernardino is collecting from projects within the adjacent unincorporated area); and</li> <li>○ Cedar Avenue/Slover Avenue (fair share payment for intersection improvements).</li> </ul> </li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative</p> <p><b>Implementation Phase</b> Prior to building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Building permit issuance</p>	



Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<ul style="list-style-type: none"> <li>The Specific Plan will voluntarily prepare a feasibility study for the Valley Way/State Route 60 interchange for which no feasible improvements to achieve acceptable levels of operation have been identified to date and, as a consequence, no improvement program has been established to which a fair share payment for improvements can be made. The proposed feasibility study would aim to identify feasible improvements that could be undertaken at the interchange to improve existing and future levels of service, even if applicable service level standards could not be met.</li> <li>Work with the cities of Fontana and Jurupa Valley to identify Armstrong Road south of the southernmost West Valley Logistics Center driveway as not a truck route and to place appropriate signage along Armstrong Road prohibiting trucks except for local deliveries.</li> <li>Work with the California Department of Transportation to place signs along State Route 60 indicating that trucks are not permitted on Armstrong Road north of the freeway, and directing eastbound trucks to exit at Rubidoux Boulevard and westbound trucks to exit at Market Street.</li> </ul>			
<p><b>SP-TR-3: Property Owners’ Association Responsibilities.</b> A Property Owners’ Association shall be formed by the applicant or its designee to implement the truck traffic management program set forth in the West Valley Logistics Center Specific Plan. The applicant or its designee will submit a proposed declaration of Covenants, Conditions, and Restrictions (CC&amp;Rs) for City of Fontana (City) review prior to issuance of the first building permit for Parcels 1-7. The City’s review shall be complete, and the proposed declaration of CC&amp;Rs shall be approved by the City, prior to issuance of the certificate of occupancy for the first building. The Property Owners’ Association will include a Transportation Management Committee that will, at a minimum, have the responsibility and obligation to:</p> <ul style="list-style-type: none"> <li>Require building owners/lessees to inform truck drivers of the approved routes to and from the West Valley Logistics Center;</li> <li>Require dispatchers to provide truck drivers leaving the building with verbal and written instructions regarding approved truck routes to area freeways;</li> <li>Implement and maintain a monitoring program to identify the actual</li> </ul>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative to set up association Property Owners’ Association for ongoing operations</p> <p><b>Implementation Phase</b> Set up association prior to building permits Ongoing operations</p>	<p><b>Responsible Party(s)</b> City of Fontana Property Owners’ Association for operations</p> <p><b>Monitoring Period</b> Annual reporting by Property Owners’ Association, review of reports by City for operations</p>	

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
<p>routes trucks are taking to and from the West Valley Logistics Center;</p> <ul style="list-style-type: none"> <li>Enforce the use of approved truck routes<sup>3</sup>; and</li> <li>Provide quarterly reporting to the City regarding the actual routes trucks are taking to and from the West Valley Logistics Center.</li> </ul> <p><b>SP-TR-4: Ensure Installation of Safety Features.</b> Entry drives will be clearly marked by special features, including enhanced paving, landscaping features, decorative walls, and signage, to promote safety and to increase the visibility of driveway intersections.</p> <p><b>SP-TR-5: Install Bicycle Racks.</b> Bicycle racks will be provided at appropriate locations on Parcels 1 through 7 (e.g., between buildings or in automobile parking areas) for employees who wish to bicycle.</p>	<p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/contractor for construction</p> <p><b>Implementation Phase</b> Prior to site plan approval, building permits</p> <p><b>Responsible Party(s)</b> Project applicant or applicant’s representative/contractor for construction</p> <p><b>Implementation Phase</b> Prior to site plan approval, building permits</p>	<p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Site plan review, building permits. Work to be completed prior to certificate of occupancy</p> <p><b>Responsible Party(s)</b> City of Fontana</p> <p><b>Monitoring Period</b> Site plan review, building permits. Work to be completed prior to certificate of occupancy</p>	

**4.2.16 Utilities and Service Systems**

There are no Mitigation Measures that address impacts related to Utilities and Service Systems. Specific Plan requirements related to Utilities and Service Systems are presented below.

**SP-UT-1: Ensure Access to Utility Easements.** Access to utility easements on site will remain unimpeded and no disturbance will occur within the existing easements, with the exception of improvements to facilitate access. A 50-foot area around suspension towers will be kept clear. Coordination with the appropriate utility agencies will be required for any improvements to utility easements or structures on or off site as a result of project implementation.

**SP-UT-2: Incorporate Water-efficient Building Designs.** The project will incorporate water-efficient building designs, fixtures, and appliances

<sup>3</sup> The CC&Rs would provide that the Association, any Owner, or the City as a third-party beneficiary, shall have the right to enforce compliance “in any manner provided by law or in equity, or in bringing an action for damages, an action to enjoin the violation or to specifically enforce the provisions.” In addition, the project site will be subject to Conditions of Approval, including compliance with a Truck Traffic Management Plan.

Mitigation Measure/Specific Plan Requirement	Implementation	Monitoring	Notes/ Initials
that meet Leadership in Energy and Environmental Design Silver certification standards for water efficiency.			
SP-UT-3: Incorporate Recycling Program. The project will be designed to incorporate an operational recycling program that will include paper, cardboard, glass, plastic, and metals.			
<b>SP-UT-4: Comply with Fontana Sewer Master Plan.</b> Sewer/wastewater facilities will be designed in accordance with the City of Fontana Sewer Master Plan			
<b>SP-UT-5: Install Sewer/Wastewater Facilities.</b> Sewer/wastewater facilities will be installed in accordance with specification of the California Department of Health Services and San Bernardino County Health Department.			
<b>SP-UT-6: Comply with West Valley Water District Water Master Plan.</b> Domestic water pipe alignments and sizes will be designed in accordance with design criteria outlined in West Valley Water District’s 2012 Water Master Plan.			

CDFW = California Department of Fish and Wildlife  
 CNDDDB = California Natural Diversity Database  
 CNPS = California Native Plant Society  
 EPA = U.S. Environmental Protection Agency  
 GHG = greenhouse gas  
 LOS = level of service  
 MBTA = Migratory Bird Treaty Act  
 RSS = Riversidean sage scrub  
 SCAQMD = South Coast Air Quality Management Plan  
 TIA = Traffic Impact Analysis  
 VOC = volatile organic compound



**Appendix A**  
**Attachments for Response to Comment EEJG-15 in**  
**Chapter 2**

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## Land Use: 152 High-Cube Warehouse/Distribution Center

### Description

High-cube warehouses/distribution centers are used for the storage of materials, goods and merchandise prior to their distribution to retail outlets, distribution centers or other warehouses. These facilities are typically characterized by ceiling heights of at least 24 feet with small employment counts due to a high level of mechanization. High-cube warehouses/distribution centers generally consist of large steel or masonry shell buildings and may be occupied by single or multiple tenants. A small ancillary office use component may be included and some limited assembly and repackaging may occur within these facilities.

High-cube warehouses/distribution centers may be located in industrial parks or be free-standing. Intermodal truck terminal (Land Use 030), industrial park (Land Use 130), manufacturing (Land Use 140) and warehousing (Land Use 150) are related uses.

### Additional Data

**Caution should be exercised when using the trip generation rates provided for this land use.** The operational characteristics of the facilities contained in this land use may vary widely. The studies contained in this land use did not provide specific information on duration of storage, hours of operation or turnover rates. It is anticipated that facilities serving primarily a distribution function with high inventory turnover rates and very short-term storage functions would result in higher trip generation rates than facilities with longer term storage and lower turnover rates. **To assist in the future analysis and potential stratification of this land use, it is important that this information be collected and provided to ITE.**

Peak truck activities typically occur outside the peak hour of adjacent street traffic.

Truck trips accounted for 9 to 29 percent of the peak hour traffic at the sites that provided truck trip information.

Average truck trip generation rates for five sites are summarized in the table below. The average gross floor area of these facilities is 1,020,238 square feet. These sites are located in a rural area.

Day/Time Period	Weighted Average Truck Trip Generation Rate (trip ends per 1,000 square feet)		Total Trucks
Weekday	0.64	38.1%	= 0.64/1.68
Weekday A.M. Peak Hour of Adjacent Street Traffic	0.03	27.3%	= 0.03/1.1
Weekday P.M. Peak Hour of Adjacent Street Traffic	0.04	33.3%	= 0.04/1.2
Weekday A.M. Peak Hour of Generator	0.02		
Weekday P.M. Peak Hour of Generator	0.04		
Saturday	0.49		
Saturday Peak Hour of Generator	0.03		
Sunday	0.48		
Sunday Peak Hour of Generator	0.03		

Sources: 605, 642, 649

The average number of truck docks was 46 for the four sites that provided this information.

Some of the sites surveyed in this land use were in full operation on the weekends while others were not. Therefore, caution should be exercised when applying rates for weekend time periods.

A study performed by the Texas Transportation Institute provided information on hourly and daily variations for all traffic and monthly variations for trucks as shown in Figures 1-3. These data are based on data collected at one study site.

605 = New Jersey  
 642 = Fresno, CA  
 649 = Tampa FL

truck splits by  
 Axle per SCAQMD  
 recommended mix.  
 (see attached -  
 SCAQMD composite.)



# SCAQMD Warehouse Truck Study Truck Fleet Mix

Grouping	All Trucks	Actual %		
		2-Axle	3-Axle	4+ Axle
SCAQMD Composite	31.0%	6.8%	5.5%	18.7%
With Cold Storage	44.7%	15.5%	4.9%	24.3%
Without Cold Storage	27.5%	4.6%	5.7%	17.2%
Fontana Study	20.4%	3.5%	4.6%	12.3%

Grouping	All Trucks	Normalized %		
		2-Axle	3-Axle	4+ Axle
SCAQMD Composite	31.0%	21.9%	17.7%	60.3%
With Cold Storage	44.7%	34.7%	11.0%	54.4%
Without Cold Storage	27.5%	16.7%	20.7%	62.5%
Fontana Study	20.4%	17.2%	22.5%	60.3%

