

Appendix A
Original NOP and Comment Letters; and
Amended NOP and Comment Letters



City of Fontana
Notice of Preparation of Draft EIR
and Notice of Scoping Meeting

Date: July 5, 2019

To: Responsible and Trustee Agents/Interested Organizations and Individuals

Subject: **Notice of Preparation (NOP) of a Draft Environmental Report and Notice of a Public Scoping Meeting**

Lead Agency:

CITY OF FONTANA
Planning Division
8353 Sierra Avenue
Fontana, CA 92335
909-350-6718
Contact: Cecily Session-Goins,
Assistant Planner

Consulting Firm Preparing the Draft EIR

KIMLEY-HORN AND ASSOCIATES, INC.
3880 Lemon Street, Suite 420
Riverside, CA 92501
951-543-9869
Contact: Kari Cano

This NOP includes a project description and a list of the environmental issues to be examined in the Environmental Impact Report (EIR).

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice.

Please send your response to Cecily Session-Goins, Assistant Planner, at the City of Fontana address shown above. Please include the name, phone number, and address of a contact person in your response.

Project Title: **Sierra Avenue and Casa Grande Avenue Warehouse Project EIR**

Location: The proposed Project is located in the northeastern portion of the City of Fontana (City); approximately 330 feet west of the City border as shown in **Exhibit 1: Regional Vicinity**. The proposed Project site consists of three connected parcels on the northeast corner of the Sierra Avenue and Casa Grande Drive intersection; refer to **Exhibit 2: Local Vicinity**. Regional access would be available to the proposed Project via transportation routes, State Route 210 and Interstate Highway I-15. The State Route 210 entrance and exit is located approximately 1.5 miles south of the proposed Project via Sierra Avenue. The Interstate Highway I-15 entrance and exit is located approximately 1.6 miles north of the proposed Project via Sierra Avenue.

Description

A. Project Setting

The proposed Project will be constructed within three parcels in the northeast portion of the City (Assessor Parcel Numbers (APN's) 0239-151-22, 0239-151-34, and 0239-151-40) totaling approximately 16.76 acres. These three parcels are currently undeveloped and vacant with patches of brush scattered over their rocky soil. Undeveloped, vacant parcels border the proposed Project to the North and East,



City of Fontana Notice of Preparation of Draft EIR and Notice of Scoping Meeting

with undeveloped parcels bordering the proposed Project site across Casa Grande Drive to the South and across Sierra Avenue to the West.

Two of the parcels included in the proposed Project (APNs: 0239-151-34 and 0239-151-40) have a General Plan Land Use (GPLU) designation of Regional Mixed Use (R-MU). Those two included parcels also have zoning designations of Regional Mixed Use (R-MU). The other included parcel (APN: 0239-151-22) has a GPLU designation of Multi-Family High Residential (R-MFH) and a Zoning Code designation of Multi-Family High Density Residential Zone (R-5). The parcels along the northern border of the proposed Project have GPLU designations of R-MFH and Zoning Code designations of R-5. The parcels along the southern border of the proposed Project have Light Industrial (I-L) GPLU designation and R-MU Zoning Code designations. The parcels along the eastern border of the proposed Project are designated as Public Utility Corridors (P-UC) in the GP and designated as R-MU in the Zoning Code. The parcels across Sierra Avenue, on the western border of the proposed Project have a Residential Planned Community (R-PC) GPLU designation and are located in the Arboretum Specific Plan.

B. General Plan Amendment and Change of Zone

The proposed Project consists of applications for a General Plan Amendment (GPA No. 18-006), a Zone Change (ZCA No. 18-006), and a Zoning Text Amendment (ZCA No. 18-007). The General Plan Amendment proposes the conversion of one parcel (APN: 0239-151-22) from Multi Family High Density Residential Zone (R-MFH) to Regional Mixed Use (RMU). The Zone Changes are intended to extend the boundaries of the the Warehousing Distribution/Logistics District Overlay and to apply the Overlay to all three parcels.

C. Warehouse Development

The proposed Project also involves the development of an approximately 317,820 square foot warehouse at the northeast corner of Sierra Avenue and Casa Grande Drive. The warehouse will be built within the three parcels identified in the General Plan Amendment and Change of Zone description. Landscape improvements and parking improvements along with trailer stalls are also included in the warehouse development; refer to **Exhibit 3, Site Plan**.

Environmental Issues to be Evaluated in the EIR

The City of Fontana, the lead agency for the proposed Sierra Avenue and Casa Grande Drive Warehouse Project, is subject to specific environmental review under CEQA. CEQA Guidelines §15063 provide that if a lead agency determines that an EIR will clearly be required for a project, an Initial Study is not required. In this case, the City has already determined that an EIR will need to be prepared based on the Project's potential to create short-term, long-term and cumulative impacts associated the proposed Project. Therefore, an EIR will be prepared to fully evaluate the potential impacts of the proposed Project. The EIR will evaluate all identified issues from the 2019 CEQA Initial Study Checklist.



City of Fontana Notice of Preparation of Draft EIR and Notice of Scoping Meeting

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

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

The EIR will address the short- and long-term effects of the Project on the environment, including the impacts of any off-site improvements. It will also evaluate the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce impacts that are determined to be significant in the EIR. Mitigation will be proposed for those impacts that are determined to be significant. A mitigation monitoring program will also be developed as required by §15097 of the CEQA Guidelines. The environmental determination in this Notice of Preparation is subject to a 30-day public review period per Public Resources §21080.4 and CEQA Guidelines §15082. Public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project, to identify those environmental issues, potentially affected by the Project which should be addressed further by the City of Fontana in the EIR.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

The Environmental Documentation for the Project may be downloaded from the City's website:

www.fontana.org/planning

The Environmental Documentation is also available for review Monday through Thursday, between 8 AM and 6 PM at the following location:

City of Fontana
Community Development Department
8353 Sierra Avenue
Fontana, CA 92335

Public Scoping Meeting

The City will have a Scoping Meeting to:

- 1) Inform the public and interested agencies about the proposed Project; and
- 2) Solicit public comment on the scope of the environmental issues to be addressed in the EIR.

Date: July 24, 2019

Time: 5:30 PM

Location: City of Fontana Development Services Office Building
8353 Sierra Avenue
Fontana, CA 92335

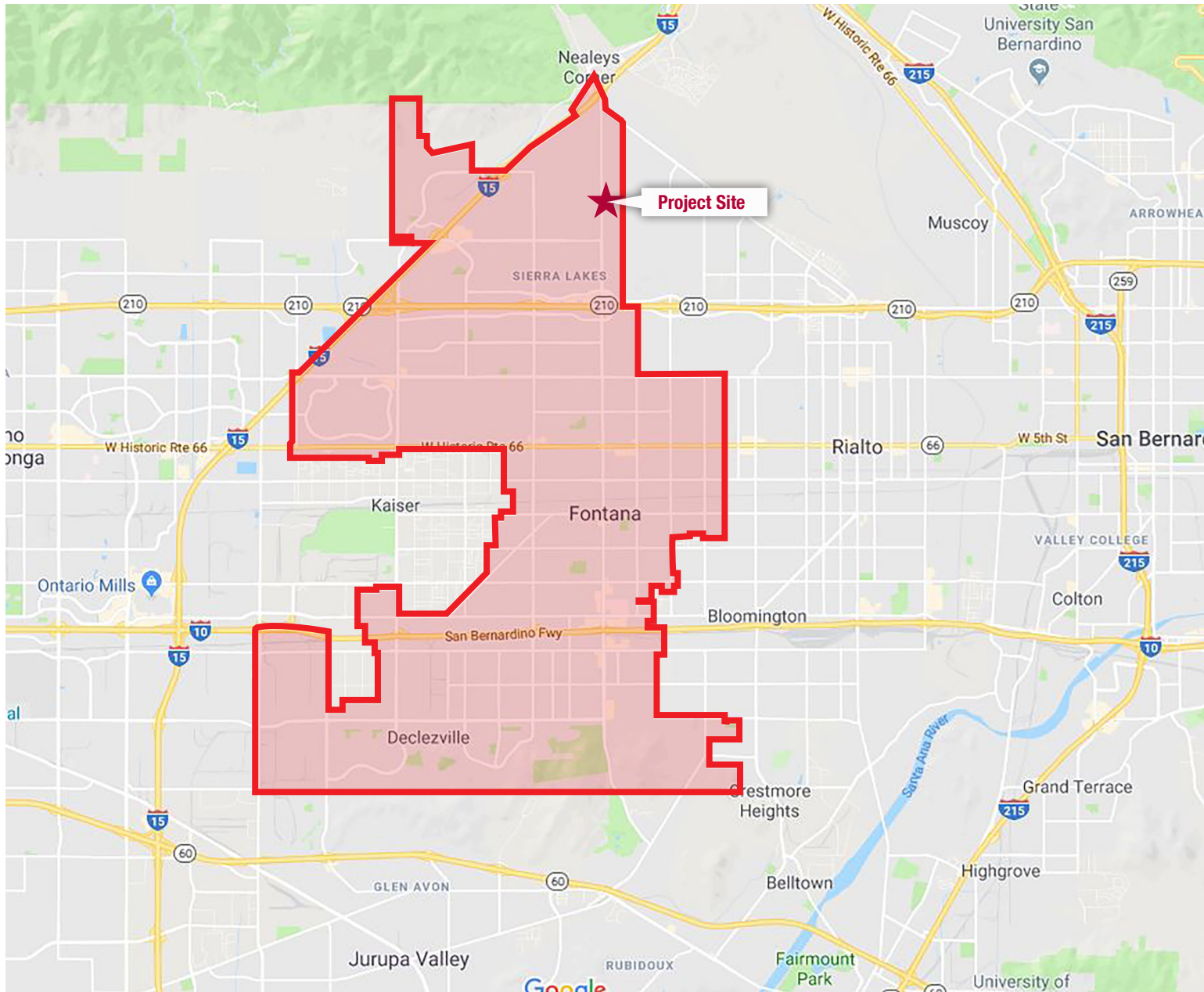


EXHIBIT 1: Regional Vicinity
Sierra Avenue/Casa Grande Drive Warehouse Project
City of Fontana



 Project Site

EXHIBIT 2: Local Vicinity

Sierra Avenue/Casa Grande Avenue Warehouse Project
City of Fontana

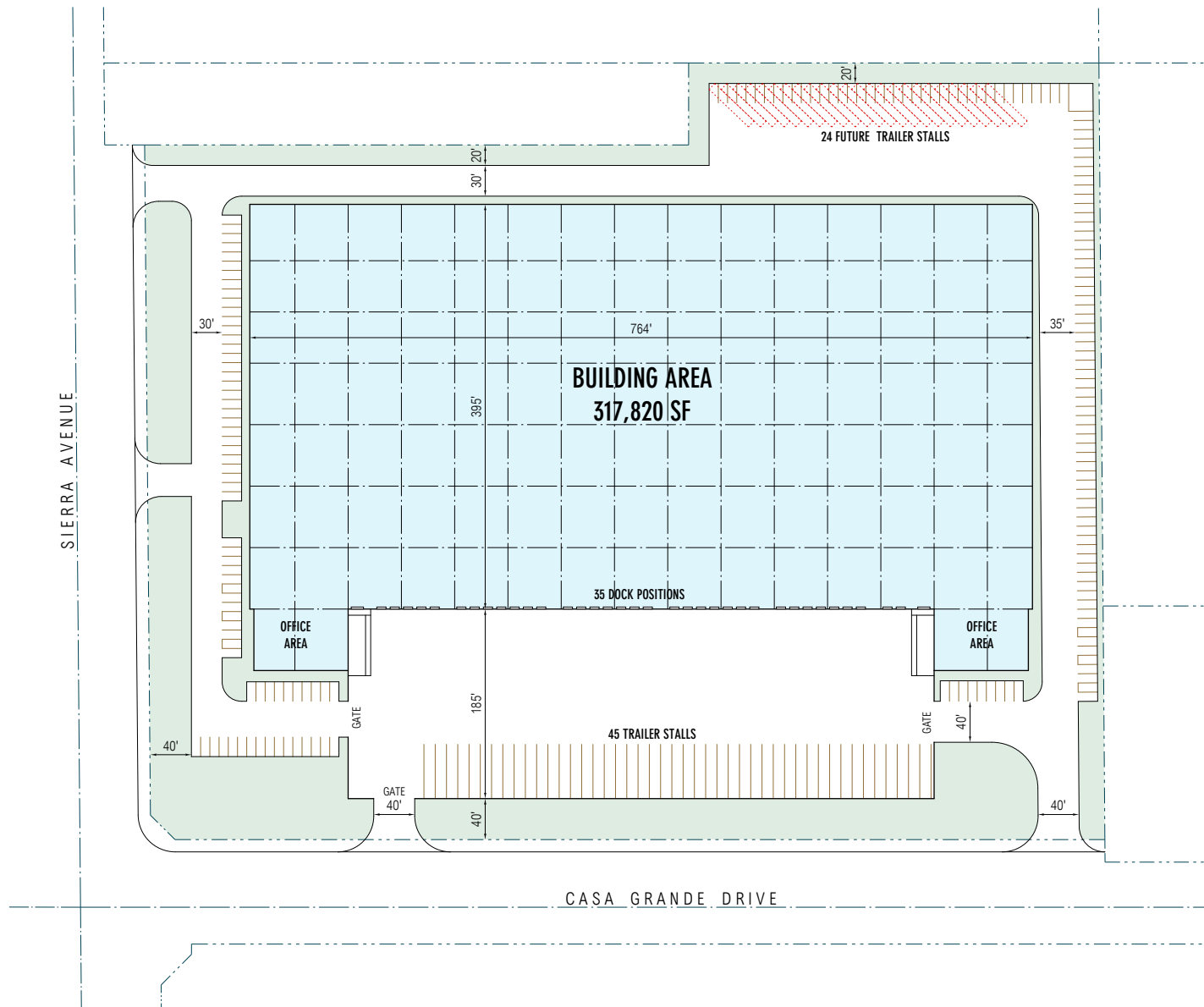


EXHIBIT 3: Site Plan

Sierra Avenue/Casa Grande Avenue Warehouse Project
City of Fontana

DEPARTMENT OF TRANSPORTATION

OFFICE OF LOCAL DEVELOPMENT-INTERGOVERNMENTAL REVIEW
DISTRICT 8, PLANNING
464 W. 4TH STREET, 6TH FLOOR MS-725
SAN BERNARDINO, CA 92401
PHONE (909) 806-3923
TTY 711
www.dot.ca.gov/dist8



Making Conservation
a California Way of Life.

October 18, 2019



File: 08-SBd-15-PM 12.324
Cross Street: Sierra Avenue
SCH#: 2019070040 - NOP

Ms. Cecily Session-Goins
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Notice of Preparation/Draft Environmental Report
Sierra Avenue and Casa Grande Avenue Warehouse

Dear Ms. Sessions-Goins,

Thank you for including California Department of Transportation (Caltrans – District 8) in the environmental review process for a warehouse project, proposed at the northeastern corner of Sierra Avenue and Casa Grande Avenue in the City of Fontana. The proposed project for a 317,820 square foot warehouse will be constructed within three connected parcels (APNs#: 0239-151-22, 0239-151-34, 0239-151-40).

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 a responsible agency as defined by 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.

For DEIR purposes, we recommend a Traffic Impact Analysis (TIA) be prepared to accurately evaluate the extent of potential impacts of the project to the operational characteristics of the existing State facilities adjacent to the project area. Additionally, we recommend the TIA be submitted prior to the circulation of the DEIR to ensure timely review of the submitted materials and a preliminary scoping meeting to discuss any potential issues. We offer the following comments:

1) **Submit one hard copy of all TIA documents and one electronic file for review.**

The nearest State facilities to the proposed project are Interstate-15 and State Route-210; however, all State facilities potentially impacted with Project development should be identified and included in the TIA analysis. The data used in the TIA should not be more than 2 years old and analysis should be based on the Southern California Association of Governments 2016 Regional Transportation Plan Model. Also, please 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)

Caltrans is committed to providing a safe transportation system for all users. Where feasible, we encourage the City to implement safe, sustainable, integrated and efficient transportation system enhancements and complete street elements 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).

- 2) Design the adjacent local streets to serve vehicular and pedestrian circulation equally and include amenities that reflect a pedestrian friendly environment. Consider both Americans with Disability Act and California Highway Design Manual standards and requirements to provide transportation impact mitigation measures that accommodate all users and modes, including pedestrian and bicyclists. For guidance, refer to "A Policy on Geometric Design of Highways and Streets," issued by AASHTO, and the "Highway Capacity Manual", published by the Transportation Research Board to evaluate the nearest existing pedestrian facilities and to determine the opportunity for improvements or expansions.
- 3) Consider relegating parking spaces to the back of the buildings or at a minimum, locate preferential parking for vanpools and carpools, along with, secure, visible, and convenient bicycle parking/racks adjacent to retail and office locations. Where feasible, install electric vehicle charging stations and parking space for low-emitting, fuel-efficient, alternative-fueled vehicles in designated visitor parking areas.

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. If you have any questions regarding this letter, please contact Jacob Mathew at (909) 806-3928 or me at (909) 806-3923.

Sincerely,



ROSA F. CLARK
Office Chief
Local Development-Intergovernmental Review (LD-IGR)

August 1, 2019

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

Dear Cecily Session-Goins:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the Notice of Preparation (NOP) for the Sierra Avenue and Casa Grande Avenue Warehouse Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019070040. The Project consists of the construction and operation of a 317,820 square-foot warehouse building located within the City of Fontana (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes. Implementation of the Project would require a change to the existing land use designation of one of the parcels in the Project from Multi-Family High Density Residential to Regional Mixed Use.

CARB staff is concerned about the air pollution and health risk impacts that would result should the City approve the Project to build the proposed warehouse building. Freight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of onsite equipment (e.g., forklifts, yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.

Existing residences are located east, west, north and southwest of the Project site, with the closest residences situated approximately 280 feet from the Project's eastern boundary. In addition to residences, there are three elementary schools (Fitzgerald Elementary School, Kordyak Elementary School, and Sierra Lakes Elementary School) and a middle school (Wayne Ruble Middle School) located within two miles of the Project. The communities near the Project are surrounded by existing toxic diesel emission sources, which include existing warehouses and other industrial uses, vehicular traffic along Interstate 15 (I-15) and State Route 210 (SR-210), as well as heavy truck traffic to Mid-Valley Sanitary Landfill. Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of pollution, CARB staff is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

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

Through its authority under Health and Safety Code, section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). Communities that score within the top 25 percent of the census tracts are exposed to higher concentrations of air pollutants and have a higher Pollution Burden.¹ CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. According to CalEnviroScreen, communities near the Project score within the top 10 percent of the census tracts. Therefore, CARB urges the County to ensure that the Project does not adversely impact neighboring disadvantaged communities.

The NOP does not state whether the industrial uses proposed under the Project would include cold storage. The operation of cold storage warehouses would include trucks with transport refrigeration units (TRU) that emit significantly higher levels of toxic diesel emissions, oxides of nitrogen (NO_x), and greenhouse gases than trucks without TRUs. Since it is unclear whether the Project would include cold storage warehouse space, any modeling done in support of the air quality analysis of the DEIR and associated health risk assessment (HRA) should assume that a conservative percentage of the truck and trailer fleet that would be serving the Project are equipped with TRUs.

In addition to the health risk associated with operations, construction health risks should be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects

¹ Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),² and the South Coast Air Quality Management District's CEQA Air Quality Handbook.³ To reduce the exposure of toxic diesel emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize NO_x and diesel emission exposure to all neighboring communities, as well as the greenhouse gases that contribute to climate change. CARB encourages the County and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and county planners will have a complete understanding of the potential health impacts that would result from the Project.

CARB staff appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period.

² Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

³ SCAQMD's 1993 Handbook can be found at <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

Cecily Session-Goins
August 1, 2019
Page 4

If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd". The signature is fluid and cursive, with the first name "Richard" and last name "Boyd" clearly legible.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

Cecily Session-Goins
August 1, 2019
Page 5

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812

Morgan Capilla
NEPA Reviewer
U.S. Environmental Protection Agency
Air Division, Region 9
75 Hawthorne Street
San Francisco, California 94105

Carlo De La Cruz
Sierra Club
2101 Webster Street, Suite 1300
Oakland, California 94612

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

Andrea Vidaurre
Center for Community Action and Environmental Justice
P.O. Box 33124
Riverside, California 92519

Stanley Armstrong
Air Pollution Specialist
Exposure Reduction Section
Transportation and Toxics Division

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

California Air Resources Board (CARB) staff recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommend by CARB staff, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating onsite. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-NO_x standard starting in the year 2022.¹

¹ In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB staff encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model years 2010 and later. CARB's optional low-NO_x emission standard is available at <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB staff is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating onsite.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration and cryogenic transport refrigeration are encouraged and can also be included lease agreements.²
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the Project site be zero-emission.
6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.
7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later today, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

² CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,³ Periodic Smoke Inspection Program (PSIP),⁴ and the Statewide Truck and Bus Regulation.⁵
9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while onsite.
10. Include contractual language in tenant lease agreements that limits onsite TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted and the health impacts fully mitigated.
11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

³ In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁴ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

⁵ The regulation requires newer heavier trucks and buses must meet particulate matter (PM) filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 5, 2019
Sent via email

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

Subject: Notice of Preparation of a Draft Environmental Impact Report
Sierra Avenue and Casa Grande Project
State Clearinghouse No. 2019070040

Dear Ms. Sessions-Goins:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Sierra Avenue and Casa Grande Project (Project; State Clearinghouse No. 2019070040) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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

public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

Project Location

The Project site is located within three parcels encompassing approximately 16.76 undeveloped acres located immediately northeast of the Sierra Ave. and Casa Grande Ave intersection in the City of Fontana, San Bernardino County (APN 0239-151-22, 0239-151-34, 0239-151-40).

Project Description

The Project proposes a General Plan Amendment to convert parcel APN 0239-151-22 from Multi Family High Density Residential Zone to Regional Mixed Use (GPA No. 18-006); extend the boundary of the Warehousing Distribution/Logistics District Overlay (ZCA No. 18-006); apply the Overlay to all three Project parcels; and construction of a 317,820 square foot warehouse. The warehouse development will include landscape improvements and parking improvements.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). CDFW offers the comments and recommendations presented below to assist the City of Fontana (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed project with respect to impacts on biological resources. CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Please note that the CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the

project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Based on CDFW's local biological knowledge of the project area, and review of CNDDDB, the project site has a high potential to support both nesting and foraging habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern. As such, CDFW recommends that City, during preparation of the DEIR, follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from the CDFW's website at:

<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>

The Staff Report on Burrowing Owl Mitigation specifies that project impact evaluations include:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the *Staff Report on Burrowing Owl Mitigation*, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>).

5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

With respect to defensible space: please ensure that the DEIR fully describes and identifies the location, acreage, and composition of defensible space *within* the proposed project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with San Bernardino County Fire (or other applicable agency) regulations/requirements. The County, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservations lands.

2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the Project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from both the construction of the project and long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

Note that the DEIR must describe and analyze a range of reasonable alternatives to the project that are potentially feasible, would “feasibly attain most of the basic objectives of the project,” and would avoid or substantially lessen any of the project’s significant effects (CEQA Guidelines § 15126.6[a]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to

fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

3. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If burrowing owls and/or their habitat may be impacted from the project, CDFW recommends that the City include specific mitigation in the DEIR. CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). Furthermore, in order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. Current scientific literature supports the conclusion that mitigation for permanent burrowing owl habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the project proponent'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 afford protective measures as follows: 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 Fish and Game Code 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 Fish and Game Code 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.

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

6. *Moving out of Harm's Way*: The proposed project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
7. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). CDFW recommends that a CESA ITP be obtained if the project has the potential to result in "take" (California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for CDFW to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. The California Fish and Game Code requires that CDFW comply with CEQA for the issuance of a CESA ITP. CDFW recommends the DEIR address all Project impacts to listed and candidate species and specify a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and knowledge of the project site/vicinity, CDFW is aware that the following CESA candidate species has high potential to occur onsite/have previously been reported onsite: *Bombus crotchii* (Crotch bumble bee).

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW'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 DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to

<https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Filing Fees

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

Additional Comments and Recommendations

The Project site falls within the City's 2004 North Fontana Conservation Program area. CDFW has expressed concerns and disagreement with the City's continued deferment of mitigation for impacts to sensitive alluvial habitats with the collection of mitigation fees (see enclosure: CDFW comment letter on DEIR for Monarch Hills Residential Development Project). As implemented, the North Fontana Conservation Program has failed to mitigate for the cumulative and temporal loss of over 375 acres of alluvial habitats and species associated with those habitats including Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), southern California legless lizard (*Anniella stebbinsi*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), coastal California gnatcatcher (*Polioptila californica californica*), and San Bernardino kangaroo rat (*Dipodomys merriami parvus*). The DEIR should thoroughly analyze the cumulative and temporal loss of alluvial habitats in the region and address how the Project will offset the continued loss of the remaining alluvial habitats prior to impacts.

To ameliorate the water demands of this project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on the Department of Water Resources website: <https://water.ca.gov/Water-Basics/Conservation-Tips/Plant-and-Landscape-Guide>.

Further Coordination

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Sierra Avenue and Casa Grande Project (SCH No. 2019070040) and recommends that the City of Fontana address CDFW's comments and concerns in the forthcoming DEIR. CDFW is available to meet with the City early in the planning process, and attend a site visit for this project.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Brandy Wood at (909) 483-6319 or at brandy.wood@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager
Inland Deserts Region

Enclosure: CDFW comment letter on the DEIR for Monarch Hills Residential Development Project (SCH No. 2016101065, May 29, 2018)

Literature Cited

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

August 7, 2019

Cecily Session-Goins
Assistant Planner
City of Fontana Planning Division
Fontana, CA 92335

Subject: Notice of Preparation of a Draft EIR for Sierra Avenue and Casa Grande Avenue
Warehouse Project EIF

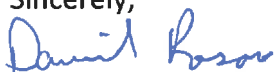
Dear Ms. Session-Goins:

Thank you for allowing the City of Rialto to comment on the contents of an EIR for the cited project. The project is located on the westerly edge of the City of Rialto and the Las Colinas community, so it could have significant impacts on the residents of our City. We received your notice on July 8, 2019 and we herewith submit this letter within the 30-day time limit.

Your list of issues identified in the NOP include aesthetics, GHG emissions, hazards and hazardous materials, noise, light/glare, and traffic which will be the primary issues of concern for the City of Rialto. Because of the proximity of industrial uses adjacent to residential uses, Rialto will review these reports closely to ensure land use compatibility and the implementation of appropriate mitigation measures. We have many instances of residential development adjacent to industrial development and design solutions can help make them compatible neighbors.

It was not noted in the NOP whether the project contemplates any change to the extension of Casa Grande into the City of Rialto. The City requests early consultation with the traffic engineer preparing the traffic analysis to ensure our understanding of the circulation proposal and to provide input into the modeling methodology. The impact upon Rialto's streets will depend upon the circulation.

The City requests a copy of the Draft EIR when completed. Please keep us informed of this project's progress.

Sincerely,


Daniel Rosas
Associate Planner

From: [Jacqueline Perez](#)
To: [Cecily Session-Goins](#)
Subject: Sierra Avenue and Casa Grande Avenue Warehouse Project-Resident concerns
Date: Monday, July 8, 2019 5:50:32 PM

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

Dear Ms. Cecily Session-Goins,

This email is in response to the notification letter sent by your office regarding the Sierra Avenue and Casa Grande Avenue Warehouse Project.

I live in the community of Las Colinas on the other side of the wall where the proposed warehouse is said to be constructed. I have many concerns regarding having the warehouse in my backyard.

I moved to Las Colinas 18years ago and was told that the other side of the wall (Fontana) was zoned to build houses. There are to may warehouses the in the surrounding areas and now they are being considered to have them constructed adjacent to homes and future homes that are new and currently being constructed. I have spoken to several builders in the nearby area where they are building new homes and to their surprise, they haven't heard about the proposed Project for the warehouse.

Here are the cons of building this warehouse:

1. Traffic congestion-2 lane road on Sierra. (there have been many accidents)
2. Tracker trailers coming in and out of the warehouses for deliveries.
3. Opening Casa Grande should be for our residents to enter in and out of our community. It's amazing how 18+ years ago they were going to open Casa Grande and it never happened because they stated that there would be congestion coming in and out of the community and many will not be residents coming through the neighborhood. So now how convenient that because of this project they now want to open Casa Grande.
4. Lowers property values.
5. Higher noise levels
6. Environmentally unsafe-fumes
7. An elementary school down the street
8. Damage roads
9. High amounts of traffic at the end of each shift

The question I pose to you, if you were in our shoes would you want this to happen to you, family or friends? My husband passed a little over a year. My husband loved his home and he loved the views from our backyard. Just to think to replace our beautiful views with a

warehouse it literally saddens me tremendously.

Many of our neighbors are not happy about this and will also be sending emails or will be present at the meeting.

I use to live in Fontana in the area of Heritage, and I was happy to be a resident of Fontana because of their growth and community. We ask that this warehouse be relocated along with other warehouses not adjacent to homes. We want our children to live in a community where they can breathe fresh air and be safe from traffic.

I thank you for your time and would greatly appreciate your feedback.

Thank you.

Jacqueline Perez
(909) 641-9427

From: [Jimmy Barela](#)
To: [Cecily Session-Goins](#)
Subject: Sierra Ave and Casa Grande PROPOSED Warehouse.
Date: Saturday, July 6, 2019 10:49:09 PM

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM

Do not click links or open attachments unless you recognize the sender and know the content is safe.

How do I go about speaking my mind regarding the proposed amendment from R-MFH to R-MU. I live in the Las Colinas area, and I do not want the area switched to warehouse land. I do know of the 24th meeting.

From: [Stacey Osborne](#)
To: [Cecily Session-Goins](#)
Cc: ["Komalpreet Toor"](#)
Subject: Sierra Avenue and Casa Grande Avenue Warehouse Project (SCH 2019070040)
Date: Wednesday, July 3, 2019 6:54:16 PM

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

Good Afternoon Ms. Session-Goins,

Who is the applicant for this project?

Respectfully,
Stacey

Stacey Osborne
Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com



Virus-free. www.avg.com



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

July 9, 2019

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

Zai AbuBakar, Director
Community Development Dept.
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
zabubakar@fontana.org

Tonia Lewis, City Clerk
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
tlewis@fontana.org

Re: CEQA and Land Use Notice Request for the Sierra Avenue and Casa Grande Avenue Warehouse Project (GPA No. 18-006; ZCA No. 18-006; ZCA No. 18-007)

Dear Ms. Session-Goins, Ms. AbuBakar, and Ms. Lewis:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living in the City of Fontana and/or San Bernardino County, regarding the Sierra Avenue and Casa Grande Avenue Warehouse Project (GPA No. 18-006; ZCA No. 18-006; ZCA No. 18-007), including all actions referring or related to the proposed development of a 317,820-square foot warehouse on three parcels totaling 16.76 acres at the northeastern corner of Sierra Avenue and Casa Grande Avenue in the City of Fontana ("Project").

We hereby request that the City of Fontana ("City") send by electronic mail, if possible, or U.S. 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:

- 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 the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

July 9, 2019

CEQA and Land Use Notice Request for the Sierra Avenue and Casa Grande Avenue Warehouse Project
Page 2 of 2

- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the 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 the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- 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 the 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.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

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 requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Planning Commission and City Council meetings and/or hearing agendas.

Please send notice by electronic mail, if possible, or U.S. Mail to:

Richard Drury
Komalpreet Toor
Stacey Osborne
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
komal@lozeaudrury.com
stacey@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Stacey Osborne
Paralegal
Lozeau | Drury LLP



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

July 23, 2019

VIA EMAIL

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

Dear Ms. Session-Goins:

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

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

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

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

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

Ms. Cecily Session-Goins

Page 2

July 23, 2019

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

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

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

Very truly yours,



Sean Carlson
Interim Team Manager, Environmental Planning Section

JD:ds

Sharepoint\City of Fontana - Sierra Avenue and Casa Grande Avenue Warehouse Project_Comment Letter


Enclosures:

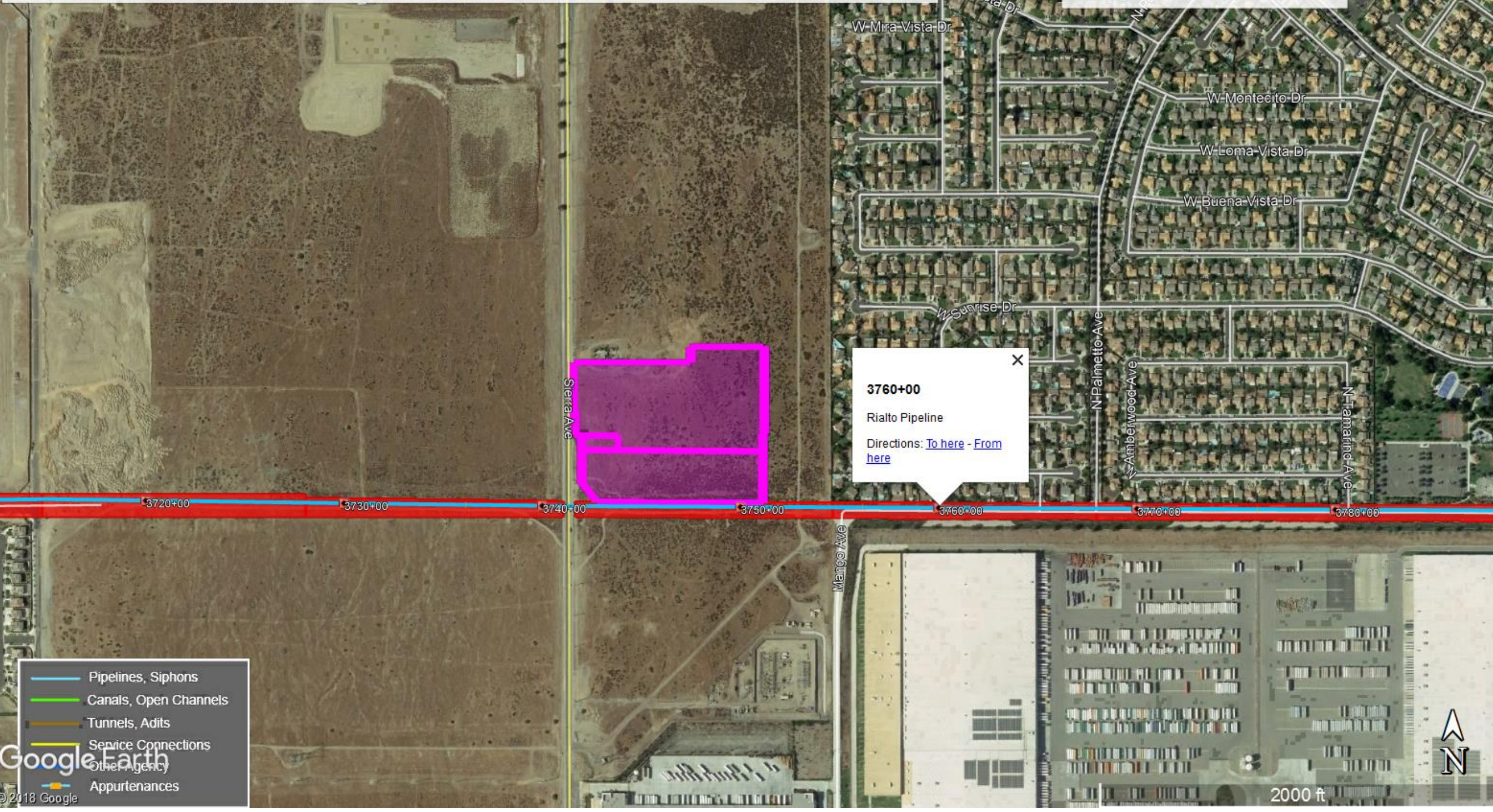
- (1) Map
- (2) Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way

City of Fontana - Sierra Ave and Casa Grande Ave Warehouse Project

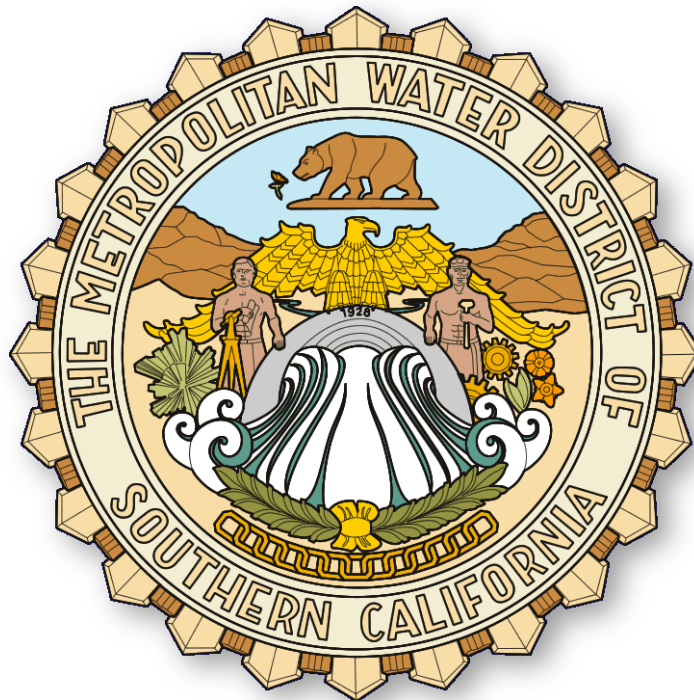
MWD Facility: Rialto Pipeline

Legend

 Approximate Project Location



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



July 2018

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

Copyright © 2018 by The Metropolitan Water District of Southern California.

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

Disclaimer

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

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

PUBLICATION HISTORY:

Initial Release

July 2018

Table of Contents

1.0	GENERAL INFORMATION	1
1.1	Introduction	1
1.2	Submittal and Review of Project Plans/Utilities and Maps.....	1
1.3	Identification of Metropolitan's Facilities and Rights-of-Way	3
2.0	General Requirements	3
2.1	Vehicular Access	3
2.2	Fences.....	3
2.3	Driveways and Ramps	3
2.4	Walks, Bike Paths, and Trails	3
2.5	Clear Zones	4
2.6	Slopes.....	4
2.7	Structures	4
2.8	Protection of Metropolitan Facilities	4
2.9	Potholing of Metropolitan Pipelines	4
2.10	Jacked Casings or Tunnels.....	4
3.0	Landscaping	5
3.1	Plans.....	5
3.2	Drought-Tolerant Native and California Friendly Plants.....	5
3.3	Trees	5
3.4	Other Vegetation.....	6
3.5	Irrigation.....	6
3.6	Metropolitan Vehicular Access	6
4.0	General Utilities	6
4.1	Utility Structures.....	6
4.2	Utility Crossings	6
4.3	Longitudinal Utilities	7
4.4	Underground Electrical Lines	7
4.5	Fiber Optic Lines.....	7
4.6	Overhead Electrical and Telephone Lines.....	7
4.7	Sewage Disposal Systems.....	7
4.8	Underground Tanks	8
5.0	Specific Utilities: Non-Potable Utility Pipelines.....	8
6.0	Cathodic Protection/Electrolysis Test Stations.....	8
6.1	Metropolitan Cathodic Protection	8
6.2	Review of Cathodic Protection Systems.....	8
7.0	Drainage.....	9
7.1	Drainage Changes Affecting Metropolitan Rights-of-Way.....	9
7.2	Metropolitan's Blowoff and Pumpwell Structures.....	9
8.0	Grading and Settlement.....	9

Table of Contents

8.1	Changes in Cover over Metropolitan Pipelines.....	9
8.2	Settlement	9
9.0	Construction Equipment	10
9.1	Review of Proposed Equipment.....	10
9.2	Equipment Restrictions	10
9.3	Vibratory Compaction Equipment.....	10
9.4	Equipment Descriptions	10
10.0	Excavations Close to Metropolitan Facilities	11
10.1	Shoring Design Submittal.....	11
10.2	Shoring Design Requirements	11
11.0	Support of Metropolitan Facilities.....	11
11.1	Support Design Submittal	11
11.2	Support Design Requirements	11
12.0	Backfill.....	12
12.1	Metropolitan Pipeline Not Supported.....	12
12.2	Metropolitan Pipeline Partially Exposed	12
12.3	Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA)	12
13.0	Piles	13
13.1	Impacts on Metropolitan Pipelines	13
13.2	Permanent Cast-in-place Piles.....	13
14.0	Protective Slabs for Road Crossings Over Metropolitan Pipelines	13
15.0	Blasting	13
16.0	Metropolitan Plan Review Costs, Construction Costs and Billing	14
16.1	Plan Review Costs.....	14
16.2	Cost of Modification of Facilities Performed by Metropolitan	14
16.3	Final Billing	14
17.0	Street Vacations and Reservation of Easements for Metropolitan	14
18.0	Metropolitan Land Use Guidelines.....	14
19.0	Compliance with Environmental Laws and Regulations.....	15
20.0	Paramount Rights / Metropolitan's Rights within Existing Rights-of-Way	17
21.0	Disclaimer and Information Accuracy	17

Table of Contents

Table 1: General Guidelines for Pipeline Separation between Metropolitan's Pipeline ¹ and Sanitary Sewer ² or Hazardous Fluid Pipeline ³	18
Table 2: General Guidelines for Pipeline "Separation between Metropolitan's Pipeline ¹ and Storm Drain and/or Recycled Water ²	19
Table 3: General Guidelines for Pipeline "Separation ¹ between Metropolitan's Pipeline and Recycled Water ^{2,4} Irrigationsm,	20
Figure 1: AASHTO H-20 Loading	21
Figure 2: Drawing SK-1	22

This page is intentionally blank.

1.0 GENERAL INFORMATION

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

1.1 Introduction

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

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

1.2 Submittal and Review of Project Plans/Utilities and Maps

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

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

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

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

Email: EngineeringSubstructures@mwdh2o.com

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

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

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

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

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

2.0 General Requirements

2.1 Vehicular Access

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

2.2 Fences

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

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

2.3 Driveways and Ramps

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

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

2.4 Walks, Bike Paths, and Trails

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

2.5 Clear Zones

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

2.6 Slopes

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

2.7 Structures

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

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

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

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

2.8 Protection of Metropolitan Facilities

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

2.9 Potholing of Metropolitan Pipelines

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

2.10 Jacked Casings or Tunnels

A. General Requirements

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

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

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

B. Jacking or Tunneling Procedures

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

C. Shoring

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

D. Temporary Support

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

3.0 Landscaping

3.1 Plans

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

3.2 Drought-Tolerant Native and California Friendly Plants

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

3.3 Trees

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

3.4 Other Vegetation

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

3.5 Irrigation

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

3.6 Metropolitan Vehicular Access

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

4.0 General Utilities

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

4.1 Utility Structures

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

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

4.2 Utility Crossings

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

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

4.3 Longitudinal Utilities

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

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

4.4 Underground Electrical Lines

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

4.5 Fiber Optic Lines

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

4.6 Overhead Electrical and Telephone Lines

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

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

4.7 Sewage Disposal Systems

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

4.8 Underground Tanks

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

5.0 Specific Utilities: Non-Potable Utility Pipelines

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

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

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

6.0 Cathodic Protection/Electrolysis Test Stations

6.1 Metropolitan Cathodic Protection

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

6.2 Review of Cathodic Protection Systems

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

7.0 Drainage

7.1 Drainage Changes Affecting Metropolitan Rights-of-Way

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

7.2 Metropolitan's Blowoff and Pumpwell Structures

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

8.0 Grading and Settlement

8.1 Changes in Cover over Metropolitan Pipelines

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

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

8.2 Settlement

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

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

9.0 Construction Equipment

9.1 Review of Proposed Equipment

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

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

9.2 Equipment Restrictions

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

9.3 Vibratory Compaction Equipment

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

9.4 Equipment Descriptions

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

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

10.0 Excavations Close to Metropolitan Facilities

10.1 Shoring Design Submittal

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

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

10.2 Shoring Design Requirements

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

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

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

11.0 Support of Metropolitan Facilities

11.1 Support Design Submittal

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

11.2 Support Design Requirements

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

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

12.0 Backfill

12.1 Metropolitan Pipeline Not Supported

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

12.2 Metropolitan Pipeline Partially Exposed

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

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

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

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

13.0 Piles

13.1 Impacts on Metropolitan Pipelines

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

13.2 Permanent Cast-in-place Piles

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

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

14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

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

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

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

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

15.0 Blasting

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

16.0 Metropolitan Plan Review Costs, Construction Costs and Billing

16.1 Plan Review Costs

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

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

16.2 Cost of Modification of Facilities Performed by Metropolitan

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

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

16.3 Final Billing

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

17.0 Street Vacations and Reservation of Easements for Metropolitan

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

18.0 Metropolitan Land Use Guidelines

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

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

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

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

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

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

19.0 Compliance with Environmental Laws and Regulations

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

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

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

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

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

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

21.0 Disclaimer and Information Accuracy

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

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

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

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

Notes:

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

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

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

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

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

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

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

Notes:

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

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

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

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

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

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

Notes:

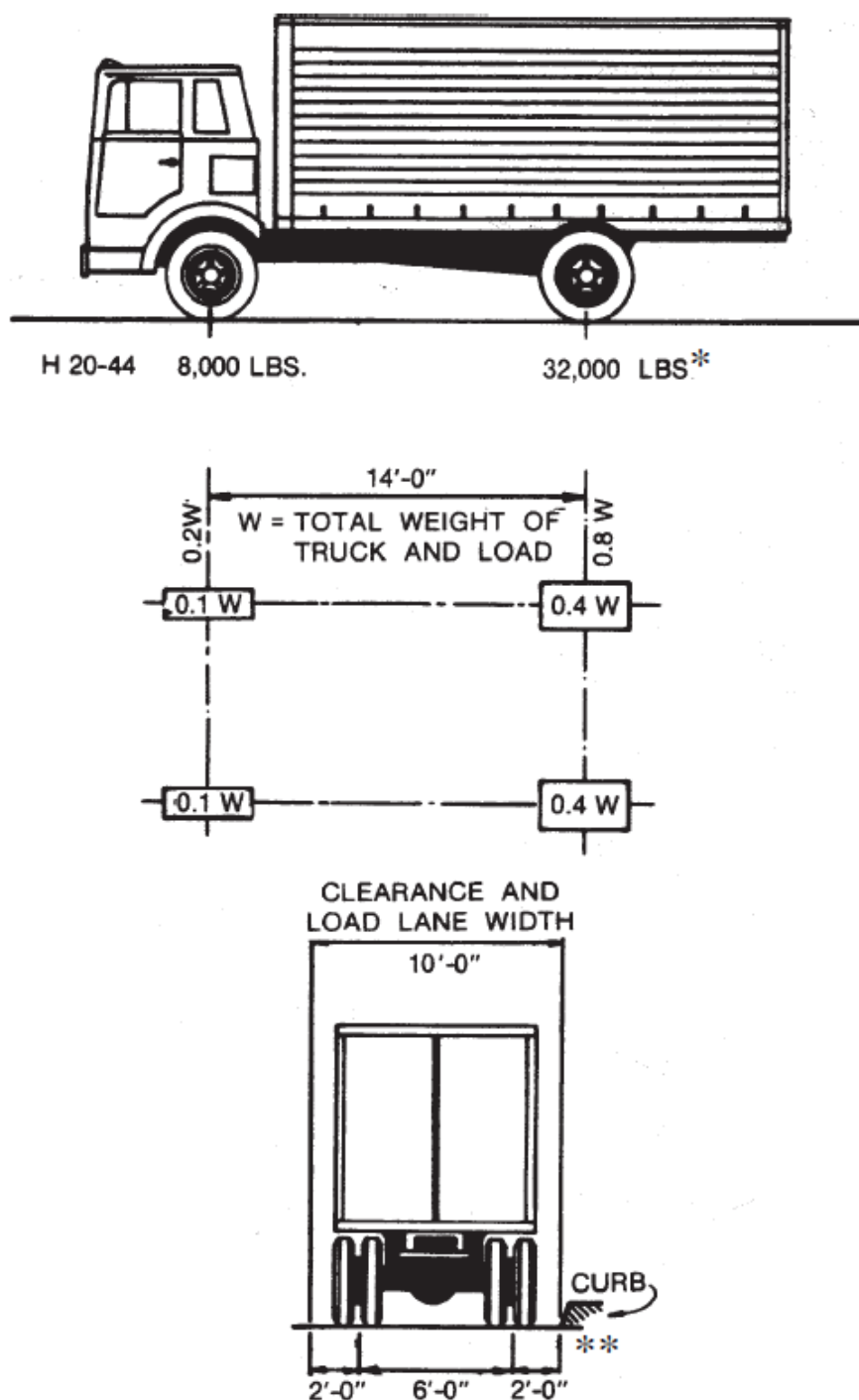
¹ Separation distances are measured from the outer edges of each pipe.

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

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

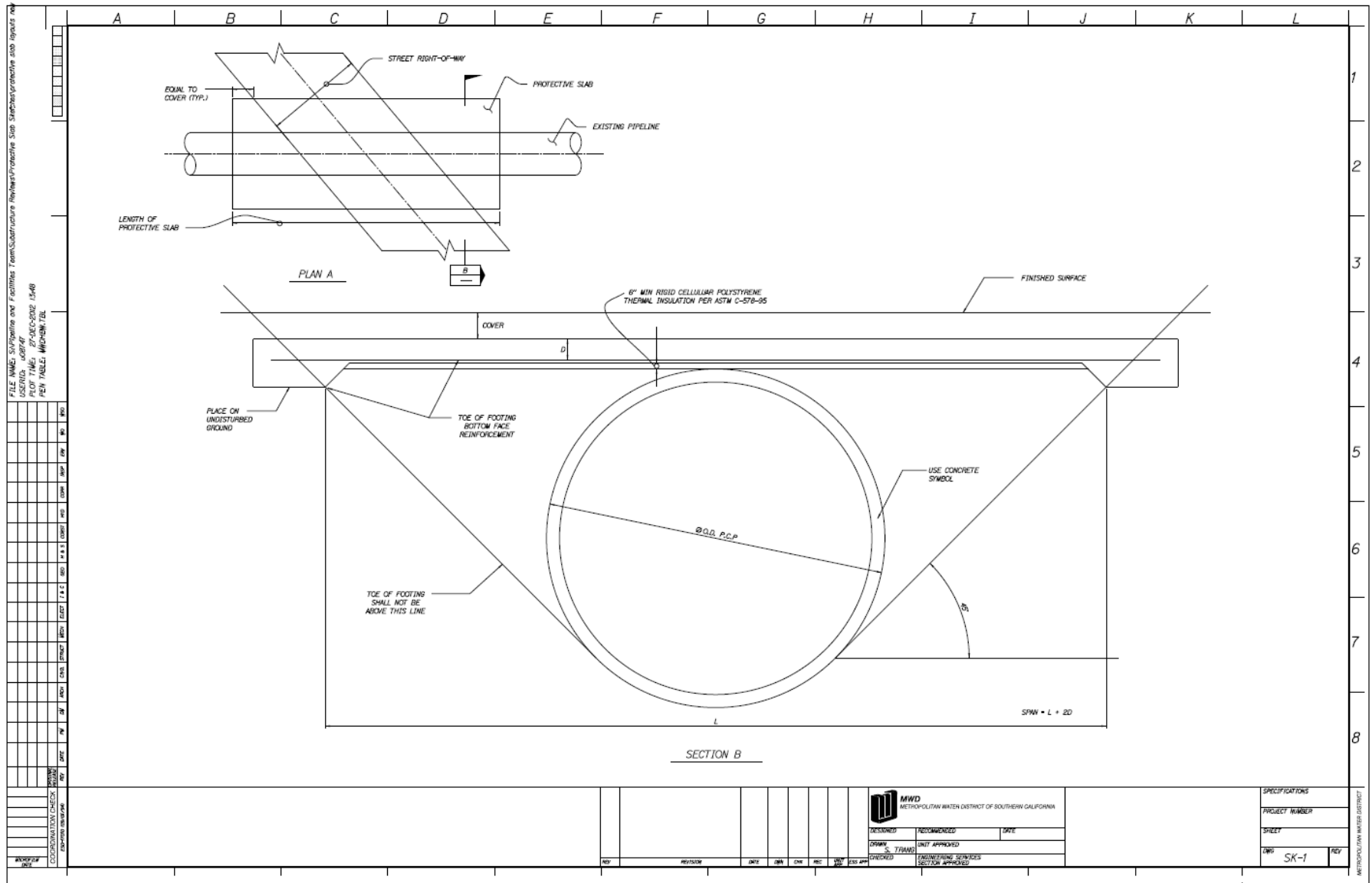
⁴ Irrigation with recycled water shall not be applied directly above Metropolitan's treated water pipelines.

Figure 1: AASHTO H-20 Loading



Note: The H loadings consist of a two-axle truck or the corresponding lane loadings as illustrated above. The H loadings are designated “H” followed by a number indicating the gross weight in tons of the standard truck.

Figure 2: Drawing SK-1



From: Rami Asad <rasad@ci.upland.ca.us>
Sent: Tuesday, July 9, 2019 7:41 AM
To: Cecily Session-Goins
Subject: Sierra Ave and Casa Grande Warehouse

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

Dear Ms. Cecily Session-Goins,

This email is in response to the letter sent by your office in regards to the Sierra Ave and Casa Grande Warehouse project.

I live in the Las Colinas community and I'm a business owner in Fontana. I do NOT want a warehouse next to residential homes. This property is zoned residential and we would like to keep it that way. We don't want trucks, warehouse, traffic in our neighborhood where our kids are playing.

Thank you for your time.

Rami Asad
909-562-2640

SENT VIA USPS AND E-MAIL:

July 23, 2019

CSGoins@fontana.org

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

**Notice of Preparation of a Draft Environmental Impact Report for the Proposed
Sierra Avenue and Casa Grande Avenue Warehouse Project¹**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files². These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

¹ The Proposed Project would include construction of a 317,820-square-foot warehouse on 16.76 acres.

² Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

Operation of the Proposed Project generates or attracts heavy-duty diesel-fueled vehicles. It is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance³ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study

³ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

(MATES IV), completed in May 2015, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions, and that the areas in San Bernardino County within the South Coast Air Basin have the second highest projected cancer risk of 339 in one million⁴. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks. Thus, cumulative impacts from warehouse projects in communities with existing industrial sources should be evaluated and disclosed.

Trip Rates for High Cube Warehouse Projects

The Proposed Project will include, among others, construction of a 317,820-square-foot warehouse on 16.76 acres. South Coast AQMD staff recommends the use of truck trip rates from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in South Coast AQMD (i.e. 1.68 average daily vehicle trips per 1,000 square feet and 0.64 average daily truck trips per 1,000 square feet). Consistent with CEQA Guidelines, the Draft EIR for the Proposed Project may use a non-default trip rate if there is substantial evidence supporting another rate is more appropriate for the air quality analysis.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 “Mitigating the Impact of a Project” of South Coast AQMD’s *CEQA Air Quality Handbook*. South Coast AQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

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

- Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB’s adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that vendors, contractors, and/or haul truck operators commit to using 2010 model year⁵ trucks (e.g.,

⁴ South Coast AQMD. May 2015. *Multiple Air Toxics Exposure Study in the South Coast Air Basin*. Accessed at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

⁵ The CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter

material delivery trucks and soil import/export) that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks⁶. Include environmental analyses to evaluate, identify, and provide sufficient power and infrastructure available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. The Lead Agency should include the requirement of zero-emission or near-zero emission heavy-duty trucks in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.

- Provide electric vehicle (EV) Charging Stations (see the discussion below regarding EV charging stations).
- 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 any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.
- 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 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)⁷. 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, South Coast AQMD staff recommends the Lead Agency require the Proposed Project 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, South Coast AQMD staff recommends that the Lead Agency require at least five percent of all vehicle parking spaces (including for trucks) include EV charging stations⁸. 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 be appropriately sized to allow for future expanded use.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.

requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁶ Based on a review of the California Air Resources Board's diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: <http://www.truckload.org/tca/files/ccLibraryFiles/Filename/000000003422/California-Clean-Truck-and-Trailer-Update.pdf> (See slide #23).

⁷ Southern California Association of Governments. Accessed at: <http://scagrtpscscs.net/Pages/FINAL2016RTPSCS.aspx>.

⁸ City of Los Angeles. Accessed at:

http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf.

- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.
- Design the Proposed Project such that entrances and exits are such that trucks are not traversing past neighbors or other sensitive receptors.
- Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility.
- Design the Proposed Project to ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- Restrict overnight parking in residential areas.
- Establish overnight parking within the Proposed Project where trucks can rest overnight.
- Establish area(s) within the Proposed Project site for repair needs.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors.

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

- Maximize use of solar energy including solar panels.
- Install 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 and/or EV charging stations.
- Maximize the planting of trees in landscaping and parking lots.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Alternative

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits and South Coast AQMD Rules

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project. The assumptions in the air quality analysis in the certified Final EIR will be the basis for permit conditions and limits. For more information on permits, please visit South Coast AQMD’s webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385.

Data Sources

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at South Coast AQMD's webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

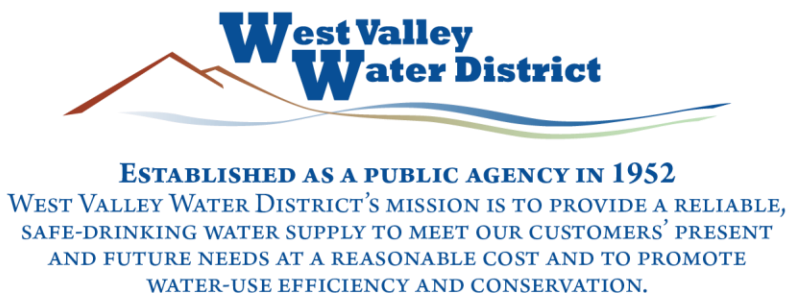
LS

SBC190702-13

Control Number

BOARD OF DIRECTORS

Dr. Michael Taylor
President, Board of Directors
Kyle Crowther
Vice President, Board of Directors
Dr. Clifford O. Young, Sr.
Director
Greg Young
Director
Donald Olinger
Director
Crystal L. Escalera
Board Secretary



ADMINISTRATIVE STAFF

Clarence C. Mansell, Jr.
General Manager
Ricardo Pacheco
Assistant General Manager
Logan Olds
Assistant General Manager
Jeremiah Brosowske
Assistant General Manager
Deborah L. Martinez
Human Resources and Risk Manager

July 23, 2019

Cecily Session-Goins
Assistant Planner
City of Fontana
8353 Sierra Ave
Fontana, CA 92335

Subject: Response to NOP to Draft EIR - Casa Grande Dr and Sierra Ave

Dear Ms. Session-Goins,

Thank you for the opportunity to review the subject project. We offer the following comments on behalf of the West Valley Water District (WVWD):

1. The Development is within WVWD service area and does not have any active water services currently serving any of the parcels. The applicant will be required to apply for and submit a plan check for the installation of all new water services associated with the development of these parcels.
2. The project will be required to perform a hydraulic analysis in order to determine if the existing facilities on Casa Grande Dr and Sierra Ave are sufficient for the proposed development. The cost of the analysis shall be paid by the developer and coordinated through the District.
3. All water improvements proposed for installation must be installed by one of the District's preapproved contractors. All development fees and deposits must be paid prior to construction of any off-site water facilities.
4. All plan check requirements, applications and the schedule of fees can be found on the District's Engineering web page.

Should you or the applicant 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



City of Fontana
AMENDED Notice of Preparation of Draft EIR
and Notice of Scoping Meeting

Date: February 24, 2020

To: Responsible and Trustee Agents/Interested Organizations and Individuals

Subject: **AMENDED Notice of Preparation (NOP) of a Draft Environmental Report and Notice of a Public Scoping Meeting**

Lead Agency:

CITY OF FONTANA
Planning Division
8353 Sierra Avenue
Fontana, CA 92335
909-350-6723
csgoins@fontana.org
Contact: Cecily Session-Goins,
Assistant Planner

Consulting Firm Preparing the Draft EIR

KIMLEY-HORN AND ASSOCIATES, INC.
3880 Lemon Street, Suite 420
Riverside, CA 92501
951-543-9869
Contact: Kari Cano

NOTE TO THE READER: The City of Fontana has amended this Notice of Preparation (“NOP”) to reflect an expanded scope for the Sierra Avenue and Casa Grande Avenue Warehouse Project EIR, which will now also address residential unit replacement sites, pursuant to requirements of the Housing Crisis Act of 2019 (Senate Bill 330), as discussed further below in Section D. This Amended NOP includes an updated project description and a list of the environmental issues to be examined in the Environmental Impact Report (EIR). All other aspects of the project as identified in the previously circulated Notice of Preparation (circulated from July 7, 2019 through August 5, 2019) remain the same.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice.

Please send your response to Cecily Session-Goins, Assistant Planner, at the City of Fontana address shown above. Please include the name, phone number, and address of a contact person in your response.

Project Title: **Sierra Avenue and Casa Grande Avenue Warehouse Project EIR**

Location: The proposed Project is located in the northeastern portion of the City of Fontana (City); approximately 330 feet west of the City border as shown in **Exhibit 1: Regional Vicinity**. The proposed Project site consists of three connected parcels on the northeast corner of the Sierra Avenue and Casa Grande Drive intersection; refer to **Exhibit 2: Local Vicinity**. Regional access would be available to the proposed Project via transportation routes, State Route 210 and Interstate Highway I-15. The State Route 210 entrance and exit is located approximately 1.5 miles south of the proposed Project via Sierra Avenue. The Interstate Highway I-15 entrance and exit is located approximately 1.6 miles north of the proposed Project via Sierra Avenue.

City of Fontana
AMENDED Notice of Preparation of Draft EIR
and Notice of Scoping Meeting

Additionally, the Project includes two additional residential replacement sites, 5.69 acres located north of Malaga Street and west of Mango Street, and 3.58 acres located east of Palmetto Avenue and south of Arrow Boulevard. Regional access would be available to these Project sites via State Route 210. The State Route 210 entrance and exit is located approximately 2.5 and 3.0 miles north of the proposed Project sites via Sierra Avenue.

Description

A. Project Setting

The proposed Project will be constructed within three parcels in the northeast portion of the City (Assessor Parcel Numbers (APN's) 0239-151-22, 0239-151-34, and 0239-151-40) totaling approximately 16.76 acres. These three parcels are currently undeveloped and vacant with patches of brush scattered over their rocky soil. Undeveloped, vacant parcels border the proposed Project to the North and East, with undeveloped parcels bordering the proposed Project site across Casa Grande Drive to the South and across Sierra Avenue to the West.

Two of the parcels included in the proposed Project (APNs: 0239-151-34 and 0239-151-40) have a General Plan Land Use (GPLU) designation of Medium-Density Residential (R-M). Those two parcels also have a zoning designation of Medium-Density Residential (R-2). The other included parcel (APN: 0239-151-22) has a GPLU designation of Multi-Family High Residential (R-MFH) and a Zoning land use designation of Multi-Family High Density Residential Zone (R-5). The parcels along the northern border of the proposed Project have GPLU designations of R-MFH and Zoning Code designations of R-5. The parcels along the southern border of the proposed Project have Light Industrial (I-L) GPLU designation and Light Industrial (M-1) Zoning land use designations. The parcels along the eastern border of the proposed Project are designated as Public Utility Corridor (P-UC) in the GP and designated as Public Utility Corridor (P-UC) in the Zoning Code. The parcels across Sierra Avenue, on the western border of the proposed Project have a Residential Planned Community (R-PC) GPLU designation and are located in the Arboretum Specific Plan.

B. General Plan Amendment and Change of Zone

The proposed Project consists of applications for a General Plan Amendment (GPA No. 18-006), a Zone Change (ZCA No. 18-006), and a Zoning Text Amendment (ZCA No. 18-007). The General Plan Amendment proposes the conversion of one parcel (APN: 0239-151-22) from Multi-Family High Density Residential Zone (R-MFH) to Light Industrial (I-L) and two parcels (APNs: 0239-151-34 and -40) from Medium-Density Residential to Light Industrial (I-L). It is proposed that all three parcels be rezoned to Light Industrial (M-1).

City of Fontana
AMENDED Notice of Preparation of Draft EIR
and Notice of Scoping Meeting

C. Warehouse Development

The proposed Project also involves the development of an approximately 317,820 square foot warehouse at the northeast corner of Sierra Avenue and Casa Grande Drive. The warehouse will be built within the three (3) parcels identified in the General Plan Amendment and Change of Zone description. Landscape improvements and parking improvements along with trailer stalls are also included in the warehouse development; refer to **Exhibit 3, Site Plan**.

D. Residential Unit Replacement Sites

Two of the parcels proposed for warehouse development (APNs: 0239-151-34 and 0239-151-40) have a General Plan Land Use (GPLU) designation of Medium-Density Residential (R-M). Those two included parcels also have zoning designations of Medium-Density Residential (R-2). The other included parcel (APN: 0239-151-22) has a GPLU designation of Multi-Family High Residential (R-MFH) and a Zoning Code designation of Multi-Family High-Density Residential Zone (R-5 Consistent with the requirements of the Housing Crisis Act of 2019 (Senate Bill 330), the City is required to find “replacement site(s)” for any housing that would have been constructed and will not be built due to the General Plan Land Use Designation/Zone Change from residential to industrial to allow for the warehouse project. Due to the change of zoning for the warehouse project, it is anticipated that up to 219 residential units would be lost.

The City has identified two replacement sites, 5.69 acres located north of Malaga Street and west of Mango Street (Malaga Site), and 3.58 acres located east of Palmetto Avenue and south of Arrow Boulevard (Palmetto Site) for potential residential unit replacement sites. Both of these replacement sites currently have a GPLU of Single-Family Residential (R-SF) and zoning designations of Single-Family Residential (R-1). As part of this project, the Malaga Site’s GPLU designation would be changed to Walkable Mixed-Use I (WMXU-1) and it would be upzoned to Form-Based Code (FBC) – Transitional District. The Palmetto Site’s GPLU designation would be changed to Medium-Density Residential (R-M) and it would be upzoned to Medium-Density Residential (R-2). The increase in potential density for the “replacement sites” will offset the potential lost construction of the 219 residential units. The EIR for the Sierra Avenue and Casa Grande Drive Warehouse project will evaluate the environmental impacts of the future development of these sites for residential uses at a programmatic level, as no site specific applications have been submitted to the City at this time. Refer to **Exhibit 4: Replacement Sites**.

Environmental Issues to be Evaluated in the EIR

The City of Fontana, the lead agency for the proposed Sierra Avenue and Casa Grande Drive Warehouse Project, is subject to specific environmental review under CEQA. CEQA Guidelines §15063 provide that if a lead agency determines that an EIR will clearly be required for a project, an Initial Study is not required. In this case, the City has already determined that an EIR will need to be prepared based on the Project’s potential to create short-term, long-term and cumulative impacts associated the proposed Project. Therefore, an EIR will be prepared to fully evaluate the potential impacts of the proposed Project. The EIR will evaluate all identified issues from the 2019 CEQA Initial Study Checklist.



City of Fontana AMENDED Notice of Preparation of Draft EIR and Notice of Scoping Meeting

The following issues are anticipated to be addressed in the EIR for both the warehouse project and the associated replacement sites:

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

The EIR will address the short- and long-term effects of the Project on the environment, including the impacts of any off-site improvements. It will also evaluate the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce impacts that are determined to be significant in the EIR. Mitigation will be proposed for those impacts that are determined to be significant. A mitigation monitoring program will also be developed as required by §15097 of the CEQA Guidelines. The environmental determination in this Notice of Preparation is subject to a 30-day public review period per Public Resources §21080.4 and CEQA Guidelines §15082. Public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project, to identify those environmental issues, potentially affected by the Project which should be addressed further by the City of Fontana in the EIR.

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

The Environmental Documentation for the Project may be downloaded from the City's website:

www.fontana.org/planning

The Environmental Documentation is also available for review Monday through Thursday, between 8 AM and 6 PM at the following location:

City of Fontana
Community Development Department
8353 Sierra Avenue
Fontana, CA 92335

Public Scoping Meeting

The City will have a Scoping Meeting to:

- 1) Inform the public and interested agencies about the proposed Project; and
- 2) Solicit public comment on the scope of the environmental issues to be addressed in the EIR.



City of Fontana
AMENDED Notice of Preparation of Draft EIR
and Notice of Scoping Meeting

Date: March 18, 2020

Time: 5:30 PM

Location: City of Fontana Development Services Office Building

8353 Sierra Avenue

Fontana, CA 92335

Special Accommodations. Should you require special accommodations at the Public Scoping Meeting, such as for the hearing impaired or an English translator, please contact the City no later than March 18, 2020 (see contact information above).

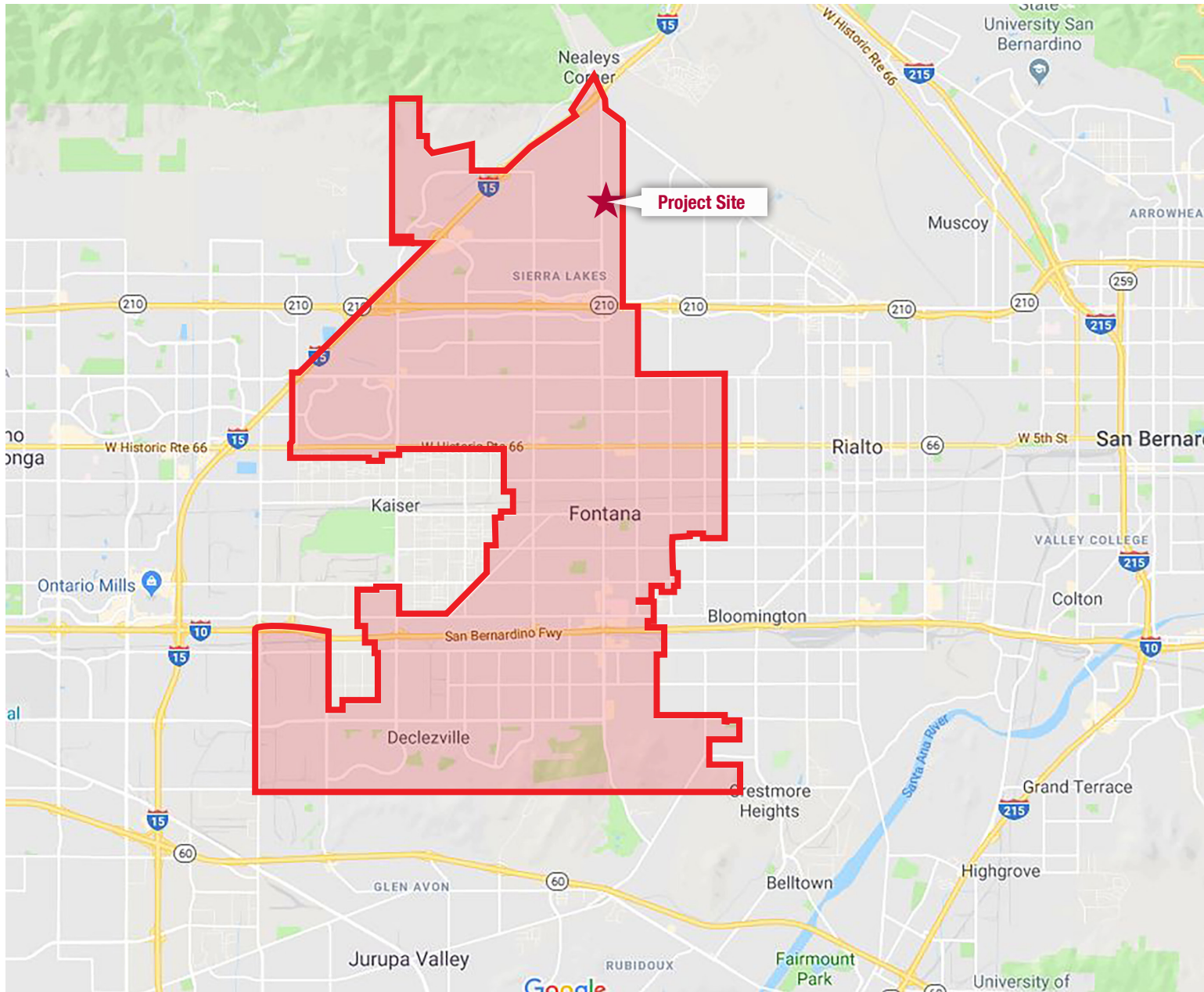


EXHIBIT 1: Regional Vicinity

Sierra Avenue/Casa Grande Drive Warehouse Project
City of Fontana



Kimley»Horn



 Project Site

EXHIBIT 2: Local Vicinity

Sierra Avenue/Casa Grande Avenue Warehouse Project
City of Fontana

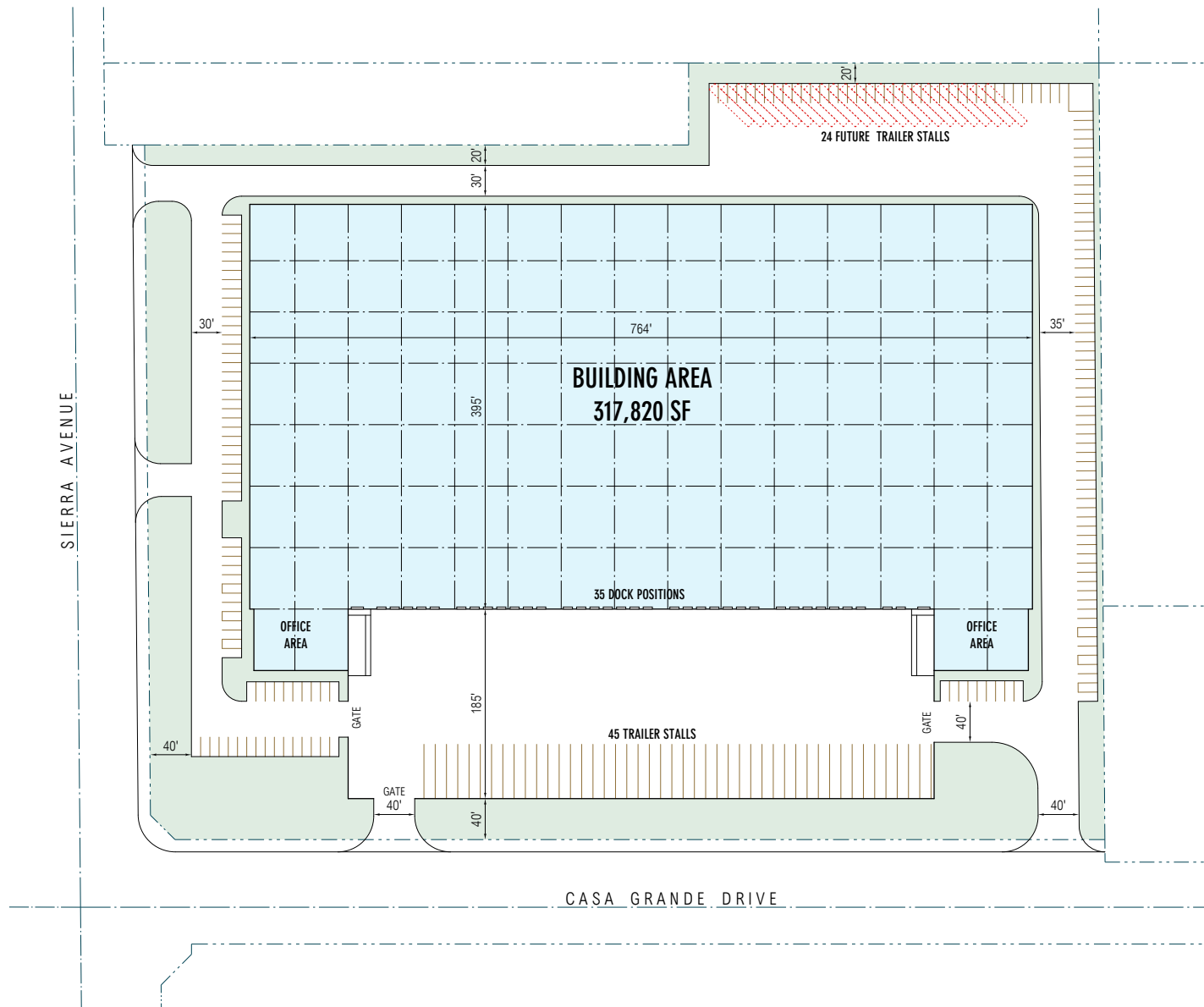


EXHIBIT 3: Site Plan

Sierra Avenue/Casa Grande Avenue Warehouse Project
City of Fontana

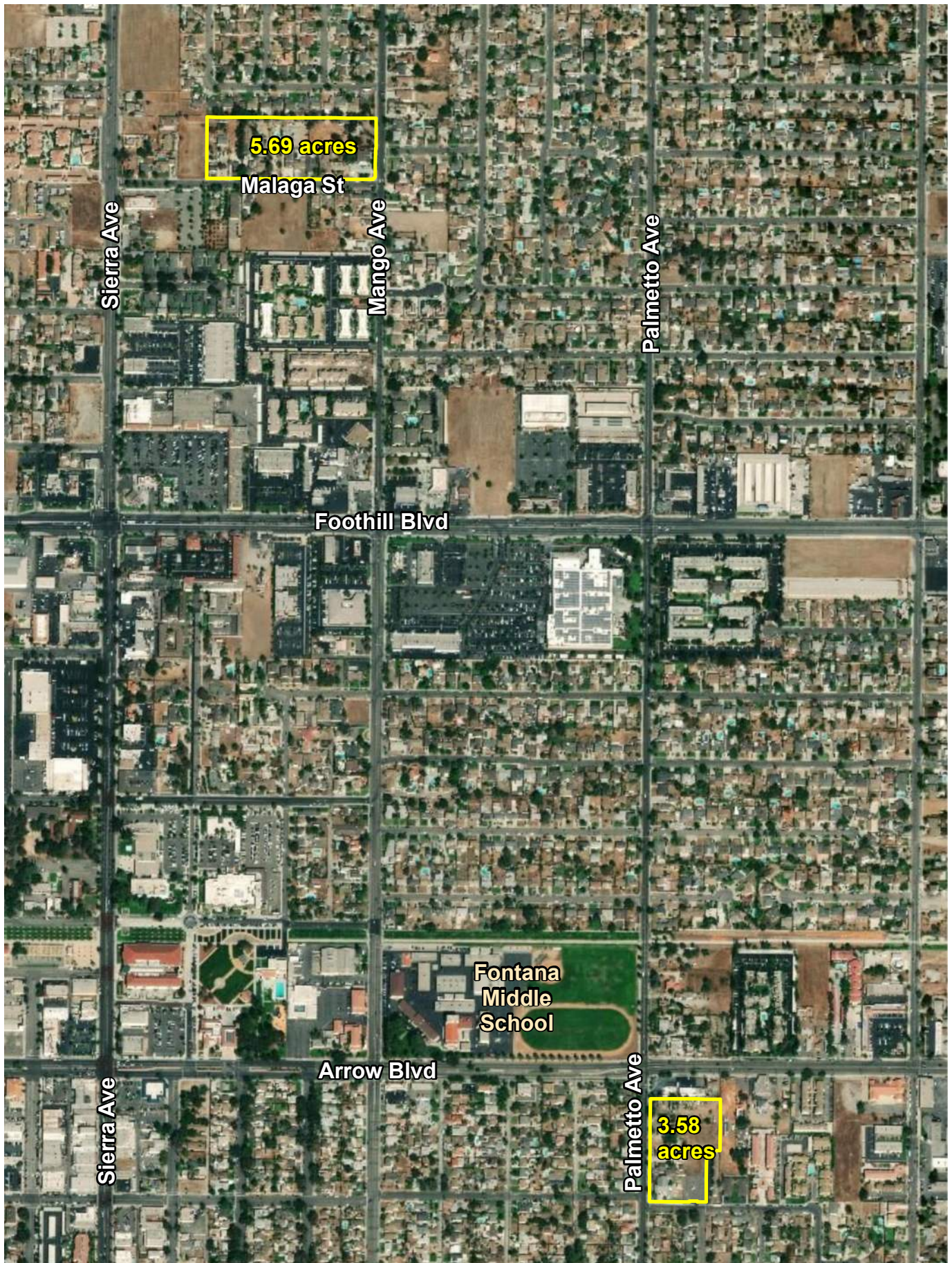


EXHIBIT 4: Replacement Sites
Sierra Avenue/Casa Grande Drive Warehouse Project
City of Fontana

From: [abigail correa](#)
To: [Cecily Session-Goins](#)
Subject: Re: warehouse project build located on sierra ave and casa grande fontana,ca
Date: Tuesday, March 3, 2020 3:47:53 PM

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

due to me living in Rialto we the neighborhood of las colinas never recieved this notices ,but we are boardering where the ware house is planned on being built. this is not a fontana only issue.

On Tue, Mar 3, 2020, 3:44 PM Cecily Session-Goins <CSGoins@fontana.org> wrote:

Hello Ms. Correa,

Please reference the notice that was mailed out (it would be the same document that you found my email address). The meeting will be help on March 18, 2020 at 5:30 pm at the DSO building on the City Hall Campus (8353 Sierra Avenue, Fontana). If you have further questions, please feel free to let me know. Thank you.

Cecily Session-Goins

Assistant Planner • Community Development
CSGoins@fontana.org • Office: (909) 350-6723

From: abigail correa <correa.abigail5023@gmail.com>
Sent: Tuesday, March 3, 2020 3:29 PM
To: Cecily Session-Goins <CSGoins@fontana.org>
Subject: Re: warehouse project build located on sierra ave and casa grande fontana,ca

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

i do not have any info of a meeting or where it will be held.

On Tue, Mar 3, 2020, 3:21 PM Cecily Session-Goins <CSGoins@fontana.org> wrote:

Good afternoon Ms. Correa,

Thank you for providing me with your comments on the Notice of Preparation/Scoping Meeting Notice for the proposed warehouse. Do you plan on attending the scoping meeting? If not, we could set up a time to talk (if you had other concerns that you would like to express).

Cecily Session-Goins

Assistant Planner • Community
Development

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

CSGoins@fontana.org • Office:

[\(909\) 350-6723](tel:9093506723)



This email contains material that is CONFIDENTIAL and/or PRIVILEGED and for the sole use of the intended recipient. Any review, distribution or forwarding without express permission is prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Thank you

From: abigail correa <correa.abigail5023@gmail.com>

Sent: Thursday, February 27, 2020 9:51 PM

To: Cecily Session-Goins <CSGoins@fontana.org>

Subject: warehouse project build located on sierra ave and casa grande fontana,ca

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

hi, my name is abigail correa, and I currently live in the boarding neighborhood los colinas. I would like to argue building another warehouse will cause more trouble to our neighborhood. we are already facing continuoiois issues (racing, trash dumping, mailbox braking..etc) with the target warehouse that was built amongst our community. secondly, with this built all our properties values will drop even more which is unfair to those who live around the area. I am not the only one who is against this built near our community; please survey not only fontana residence on this matter but any community residing in the area.

From: [April Herington](#)
To: [Cecily Session-Goins](#)
Subject: Re: Malaga site project
Date: Friday, March 20, 2020 9:29:56 AM

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

Cecily, Thank you for responding so quickly.

Yes, I would love to speak with you for more clarity. We are under a stay at home order so other than possibly running to the grocery store today I will be available. I will add your office number to my address list. Any numbers that are not in my contact list go directly to my voicemail. If this happens please leave a quick message and I will call you right back. My cell number is 951-764-9526

Hoping you and your family are staying in good health

April Herington

Sent from my iPhone

On Mar 17, 2020, at 5:04 PM, Cecily Session-Goins <CSGoins@fontana.org> wrote:

Good afternoon Ms. Herington,

Thank you for providing your letter as a comment on the Notice of Preparation. I want to assure you that the proposed change of zoning for your area (Malaga Site) that there will not be a taking of property or a new development proposed. The City of Fontana is requesting to change the zoning of the Malaga Site and the Palmetto Site just to increase the possibility for development in order to make up for a rezoning from residential to industrial near Sierra Avenue and Casa Grande Avenue. The requested zoning for both replacement sites will allow property owners to maintain their current use on the site (like your single-family home) while on paper showing that the property has the potential for more.

I know this can be confusing so I would love to speak with you about this. Would you mind giving me a call tomorrow or sending me your phone number with a good time to call you? Thanks so much!

Cecily Session-Goins

Assistant Planner • Community

Development



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



CSGoins@fontana.org • Office:

[\(909\) 350-6723](tel:(909)350-6723)



This email contains material that is CONFIDENTIAL and/or PRIVILEGED and for the sole use of the intended recipient. Any review, distribution or forwarding without express permission is prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Thank you

From: April Heringtonij <a.herington@icloud.com>

Sent: Tuesday, March 17, 2020 11:37 AM

To: Cecily Session-Goins <CSGoins@fontana.org>

Cc: April <a.notary@sbcglobal.net>

Subject: Malaga site project

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Public Comment – NOP/Scoping Meeting Notice

February 26, 2020
Brenda Avilo
(626) 325-4576
Neighboring Malaga Site

- Wanted to know if there is anything that she needed to do for this.
- Did not appear to have a problem with the rezoning since it did not impact her property and did not involve building a warehouse.

February 27, 2020
Abigail Correa
Correa.abigail5023@gmail.com
Las Colinas Resident

“hi, my name is abigail correa, and I currently live in the boarding neighborhood los colinas. I would like to argue building another warehouse will cause more trouble to our neighborhood. we are already facing continuoiois issues (racing, trash dumping, mailbox braking..etc) with the target warehouse that was built amongst our community. secondly, with this built all our properties values will drop even more which is unfair to those who live around the area. I am not the only one who is against this built near our community; please survey not only fontana residence on this matter but any community residing in the area.”

- Further emails revealed that she was not aware of the scoping meeting date and did not have a copy of the notice. It appeared that she received my contact information from a neighbor.

March 2, 2020
Celia Maldonado (?)
Owner of 17070 Malaga Avenue

- Wanted more information about the proposed zone change on behalf of her neighbors, who thought that their homes would be demolished.
- She seemed satisfied with the proposed zone change but will contact me if she has more questions.

March 3, 2020
Winnie Chang
(626) 318-2666
Owner of 7808 Mango Avenue

- Ms. Chang was pleased with the flexibility that the new zoning would provide since her property is large, but she has historically been restricted to a single-family home on the site.

- She stated that she would keep following the project and would begin working with an architect if the zone change and GPA are approved in the fall.

March 3, 2020

Jeffery Griffith

(909) 822-8295

Owner of 8620 Palmetto Avenue (Neighboring Palmetto Site)

- Mr. Griffith is concerned about the potential development on the site. He was convinced that there is a site plan being proposed.
- He came to understand that there is not specific development being proposed. He is open to the rezoning but wants more information.

March 4, 2020

Alexander

Neighboring Palmetto Site

- Alexander was concerned with impacts on the environment but was happy to know that an actual project was not being proposed at this time.

March 4, 2020

Sara Montana

(909) 969-3323

Neighboring Malaga Site (on Mango)

- Sarah is concerned about the impact of multi-family development on an area that is already congested and short on parking.
- She is also worried about safety for children walking to school.
- She was relieved to know that specific development is not being proposed at this time but feels like it will only be a matter of time.

March 9, 2020

Jimmy Barela

Financesbyjimmy.com

"This is my second email to stress that the warehouses this close to residence is a nuisance. I'm sure the new homes buying built would live to know that warehouses will be right next to their homes and the late night noise we hear from the Target distribution center is loud at night. These new proposed warehouses will amplify even more noise. I vote to KEEP IT RESIDENTIAL! FONTANA has plenty of other areas that are zoned for commercial/ warehouse. There needs to be balance. Would you like a warehouse next door to your home? Ask yourself."

March 15, 2020

Rami Asad

Rmmi2002@yahoo.com

909-562-2640

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

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

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

March 16, 2020
David Hubbard
Hubbard Law Firm
hubbardlawfirm@gmail.com
(951) 686-2660

- Sent letter on behalf of Robert Constant.

March 16, 2020
Nikos Constant
nkscnstnt@gmail.com
(213) 215-5960

- Wanted to know if the scoping meeting was still taking place.
- I invited comments via email prior to the end of the NOP period.

March 17, 2020
Maria Solano
(909) 684-0220

- Called on behalf of her mother, who owns a parcel in the Malaga Site.
- Ms. Solano wanted to know if the scoping meeting will take place considering the COVID 19 situation.

March 17, 2020
Eric Hernandez
(909) 239-4508

- Wanted to know if the scoping meeting will take place considering the COVID 19 situation.

From: [David Hubbard](#)
To: [Cecily Session-Goins](#)
Subject: Fwd: Robert Constant Letter re: Amended Notice of Preparation
Date: Monday, March 16, 2020 2:54:13 PM
Attachments: [Constant 3-12-20 to Fontana.PDF](#)

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

Dear Ms. Sessions-Goins:

Please read the attached correspondence, issued on behalf of Robert N. Constant, in response to Fontana's February 24, 2020, letter titled "City of Fontana Amended Notice of Preparation." I had intended to send it to you Friday, but I sent it to the wrong email address.

Sincerely,

David F. Hubbard

--

HUBBARD LAW FIRM
3890 11th Street, #214
Riverside, CA 92501
(951) 686-2660

----- *HUBBARD LAW FIRM* -----

3890 Eleventh Street, Suite 214
Riverside, California 92501

HubbardLawFirm@gmail.com
Telephone: (951) 686-2660

March 12, 2020

Cecily Sessions-Goins
Assistant Planner, City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

VIA EMAIL

Re: City of Fontana 2-24-2020 Letter titled "City of Fontana letter Amended Notice of Preparation"

Dear Ms. Session-Goins:

The Amended Notice of Preparation referenced above requested that affected property owners submit responses regarding the proposed new warehouse. Below are comments made on behalf of property owner Robert N. Constant (Constant).

Fontana's rush to approve another massive warehouse on Sierra and Casa Grande Avenues is so harmful to its residents, many property owners and local business owners, that it should be halted as soon as possible. In addition, Fontana's rush to rezone the subject property and the "Residential Unit Replacement Sites" should be abandoned. As a decades-long Fontana property owner, Constant will vigorously oppose this warehouse project from going forward.

The Constants have been owners of their North Sierra Avenue property for almost 60 years. At that time the area was totally undeveloped, but they were confident that the area would develop and would be a source of income during their retirement years. The time has come for them to develop their property and they do not want to lose its value because of the area becoming highly industrialized with warehouses or other similar uses.

Back in 2013, Fontana approved the first warehouse to be built near the Constant's property. Constant, as a part owner, objected to that project because of its negative impacts. That project's EIR stated clearly that the pollution impact would be "significant" with "...no mitigation measures ... that would reduce these emissions to levels that are less-than-significant ..."

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

Fontana does not need another warehouse Environmental Impact Report (EIR). It has received several such reports on previously approved projects and all of these EIRs have stated that these projects have “significant and unavoidable impacts” which cause major impacts on peoples’ health, and contribute to the degradation of citizens’ quality of life. The mitigation methods that have been implemented have been ineffective. Fontana is famous for its unhealthy environment. Yet in spite of all of these problems, the City has continued to approve the construction of these undesirable projects. The residual cumulative undesirable impacts have become unbearable and unacceptable. Many people are infuriated. It is time for Fontana to reconsider its unwise and harmful decisions and give the public answers using the seven years of data accumulated since 2013.

Constant has noticed that some Fontana employees have closely coordinated with the developers of the project to be developed. Those employees have made certain backroom agreements with the developer, prior to the final approval of the project, so that by the time the project gets to the final approval stage, the project, in effect, has been approved and is difficult to change. This has to stop. Serious, meaningful coordination with all residents and stakeholders should start before the project has been approved.

Backroom decisions should not be made prior to formal approval of a project. Those persons making unauthorized agreements are not neutral and should not be the same persons who thoroughly review and approve the project. Fontana ought to investigate, document and publicize whether the previously approved warehouses have met the objectives, such as benefits, claimed in the EIRs. The results of this investigation will be useful for the decision makers of this and future projects.

The proposed warehouse would require 16.76 acres. Some 91% of this parcel would be covered by the building, paved driveways and paved parking lots. Less than 9% would be used for landscaping. It does not require a genius to conclude that such a project would have major adverse impacts on aesthetics, air pollution, quality of life, biological resources, hydrology, noise and traffic congestion. The project would cause citizens stress/annoyance/delays/health problems; it would reduce safety, produce light pollution, reduce property values, reduce shopping convenience, reduce quality of life, create neighborhoods that are not walkable, which studies show leads to pedestrian harm or even death. This project would cause desirable people and businesses to move out or in. It would destroy Fontana’s reputation as a desirable city to live or do business. It would greatly reduce the value of commercial and residential properties and established businesses. Many other negative impacts can be added to the list. Each of the negative impacts has to be examined thoroughly prior to approval. The list of the problems cited above is the basis of my current objections to this project. Constant will try to attend all meetings planned for this project, speak at the public meetings and submit more detailed written comments.

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

of a satisfactory and valid solution is to take an existing warehouse (or other industrial zoned area), demolish its structure and rezone the property for residential uses. The RURS create a false equivalency since effects are now expanding from one area of Fontana to all areas of Fontana.

The existing project proposes two disconnected areas for the RURS. This solution creates new problems: If citizens object, two additional EIRs would be required with the potential time delays and legal expenses. Constant happens to own property next to and near the proposed Residential Unit Replacement Sites. Constant and the neighbors do not want the existing zoning to change into higher density because they believe the value of their neighboring properties will decrease. Therefore, Constant will voice objections to any zoning changes. You're destroying well-established neighborhoods to enrich a developer with the false equivalency of RURS.

Most replacement properties are now in well-established comfortable single family homes with large lots. Property owners and residents are happy with the existing situation, and do not wish their properties to be rezoned to a higher density designation, with its attendant harmful impacts on their neighborhood. Any changes should be put up to public vote.

Preparing the EIRs is expensive for both the developer and Fontana – a time-consuming activity that potentially causes great time delays in starting any project. It is not clear in the NOP as to who pays for these EIRs. Our suggestion is that this project not be approved until all concerns and issues are resolved.

This project is too important for the future of Fontana and its approval should not be rushed. In some previous projects developers complain that the City takes too long to approve their project, ignoring the fact that the delays were caused by the developers neglecting to foresee and address important environmental and economic details.

Originally the northeast area of Fontana was envisioned as being primarily for residential, retail and non-industrial business uses. But Fontana created an overlay zone that allowed for industrial and manufacturing uses. This overlay zone has subsumed and damaged the retail zoned properties of the area. One warehouse was intolerable; many warehouses are a disaster. Extrapolating the warehouse proliferation to the limit, all of Fontana will soon become industrial with very little retail and residential areas left. The overlay zoning should be studied and repealed by the City to stop further damage caused by the City's desperation to gain political partnerships with large developers. At minimum, a moratorium on the overlay zone should be in place.

Fontana has justified the approval of warehouses as job creators. It is now time to evaluate the results of their action. A common metric in predicting job creation is to cite jobs created per building square feet. Fontana needs to evaluate the jobs created per square foot by the existing warehouses and make adjustment for jobs lost to robotic automation.

The City needs to bring some verifiable facts to the table, like: a) How many jobs have the warehouses created or displaced? b) How many of those jobs are held by Fontana residents? c) What

are the salaries related to those jobs? d) What is the cost to the City to provide police, street maintenance, fire protection and other services for the warehouses? e) How much tax is collected from the warehouses to compensate the City for the services which the warehouses receive? f) What have been the costs, problems and benefits resulting from the warehouses? g) Have all benefits and objectives from previously approved warehouses been achieved? h) Has an economic impact report been prepared? i) How far from the warehouse do employees commute? j) What benefits have Fontana's political class gained from the warehouse developers tenants and lobbyists? Fontana needs to provide answers to these question in order to make informed decisions.

Fontana should realize that residential zoning also creates jobs. In fact, we now live in a service economy rather than in a 19th/20th century manufacturing/industrial environment. A close examination may reveal that residential zones create 21st century jobs that are not dependent upon industrial zoning. Many people now work from their homes. The incomes of plumbers, barbers, realtors, gardeners, doctors, lawyers, teachers, artists and many other professionals depend on the services required by residential customers.

It should also be realized that residential zones bring in a large amount of revenues from property, income and other taxes. Warehouses do not do the same. In fact, warehouses depress values of neighboring properties, resulting in smaller revenues. Fontana needs to reconsider its prioritizing between housing and warehousing in light of the state mandate to address the housing crisis.

The proposed warehouse project will eliminate 219 housing sites. If 219 housing units were built, governmental agencies could collect millions of dollars. If Fontana continues to allow for more warehouses to be built, property values will decrease and the revenues collected will also be diminished. Fontana should strive for a balanced economy. Warehouses should be built only in designated areas that do not harm other sectors of the City. That is why an economic impact report is essential for the decision makers and should be provided prior to approval.

Developers should not be the ones who dictate where and when warehouses are built. That should be done by well thought out City zoning laws, democratic voting and economic science.

The City of Fontana officials have the responsibility of creating a modern and well-planned City without corruption. Building an excessive number of warehouses is not going to benefit Fontana or its residents.

In spite of its growth, Fontana now is not considered by many as a desirable city to move into. Fontana should have moved mountains to get the Kaiser-Permanente medical college. That would have been a good job creator for the City and a magnet for other desirable high end businesses to move in. Approving more warehouses and discouraging more desirable businesses will not improve Fontana's image. Constant can't think of a single major company that is willing to move its headquarters or flagship store to Fontana.

Constant expects Action Items based on the following criteria:


1. Quality of life degradation due to large number of semi-trucks, frustration due to delays, traffic jams, accidents, noise, fumes;
2. Large number of warehouses/trucks on the Rialto side impact the Fontana side;
3. Encroachment to schools;
4. Encroachment to residential housing on both Fontana and Rialto sides;
5. Pedestrian blockage;
6. Handicap difficulties;
7. Extending Casa Grande into Fontana & maybe Rialto;
8. Pressure to extend several other streets into Rialto;
9. What coordination with Rialto?
10. What tax benefits or other benefits does Fontana give to the developers?
11. What restriction agreements exist between Fontana and the developers? Fontana should quantify the trending of worsening impacts and provide written responses; and
12. Cumulative environmental effects, focused on local temperature hot spots and their cumulative effect with regards to climate change.

Constant suggests the following Action Items:

1. Fontana initiates, completes, and publicly disseminates a study that documents the impacts of both existing and future warehouses, based on future state and federal needs and guidelines.
2. Fontana disseminates all data accumulated over the past seven years of Fontana development so that independent researchers and journalists can initiate studies that are independent from Fontana's political class bias.
3. Fontana initiates an independent study of the multiple EIRs for each project in order to determine what the real world benefits and negative impacts predicted are accurate.
4. Fontana initiates a study of all new benefits and negative impacts that have been created by each project above and beyond what was analyzed in corresponding EIRs.
5. Fontana initiates a study with a focus on the false equivalency between existing zoning and the proposed RURS zoning.
6. Fontana initiates a study on the potential destruction of well established neighborhoods through developer gentrification using RURS zoning.
7. Fontana puts approval of RURS zoning to a public vote, not hidden in planning departments and city council chambers.
8. Fontana halts all warehouse development until all studies and public voting recommended in 1-7 above are complete and publicly disseminated.
9. Fontana places a moratorium on the Warehouse Overlay Zone until all studies recommended in 1-8 above are completely and publicly disseminated.
10. Fontana initiates, completes, and disseminates a study of economic and employment impacts of warehouse development over the past seven years.
11. Fontana provides and disseminates a list of all developers that the city is working with and their accompanying meeting schedules, dinner/lunch dates, places met, and admissions of any

- financial dealings or lobbying as pertains to both city and personal business of all involved.
12. Fontana initiates a study comparing the future costs and benefits of warehouse development as compared to housing developments, taking into account the state mandate to address the housing crisis.
 13. Fontana demands all developments complete an economic impact study in addition to EIR for all warehouse developments prior to city approval.
 14. Fontana initiates a new city plan that takes into account benefits to residents and small business owners, rather than large developers and politicians.
 15. Fontana initiates a program to encourage non warehouse business development so that the citizens and stakeholders of Fontana are allowed the benefits of Fontana's place on the global economic order, rather than limiting those economic benefits to developers and Fontana's political class.

Fontana's warehouse frenzy is effectively robbing Constant and many other Fontana residents and property owners of property value and development potential. Hubbard Law Firm has focused for the last twenty years on litigation and trial practice against local governments. Fontana, developers, and all associated parties will be confronted by legal action (not limited to regulatory takings analysis, 42 USC 1983 jurisprudence, and/or Civil RICO) if it does not reverse course on this proposed warehouse development and zone change.

Sincerely,

David F. Hubbard, attorney on behalf of
ROBERT N. CONSTANT

cc: Fontana City Council, et alia

From: [Jimmy Barela](#)
To: [Cecily Session-Goins](#)
Subject: Amendment to residential area for warehouses
Date: Friday, March 6, 2020 8:40:48 AM

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM

Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is my second email to stress that the warehouses this close to residence is a nuisance. I'm sure the new homes buying built would live to know that warehouses will be right next to their homes and the late night noise we hear from the Target distribution center is loud at night. These new proposed warehouses will amplify even more noise. I vote to KEEP IT RESIDENTIAL! FONTANA has plenty of other areas that are zoned for commercial/ warehouse. There needs to be balance. Would you like a warehouse next door to your home? Ask yourself.

Sent from my iPhone

From: [Nikos Constant](#)
To: [Cecily Session-Goins](#)
Cc: [Bob and Connie](#); [David Hubbard](#); [Jim Constant](#)
Subject: Re: Is the March 18 scoping meeting rescheduled?
Date: Monday, March 23, 2020 3:55:47 PM

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Session-Goins,

The following remarks are in addition to what my father, Robert Constant, sent to you via his attorney, David Hubbard.

I hope you, your family, friends, and all your co-workers are safe in these uncertain times.

It's unfortunate that the scoping meeting was not able to proceed as scheduled. Of course, a global pandemic does that. As the saying goes, "well made plans".

This pause on planet earth reminds me of one of my favorite scenes in the 1998 film, Armageddon. The protagonist, deep core driller Harry Stamper (Bruce Willis), has been tasked to go into outer space, land on an asteroid that is on a collision course with planet earth, and blow it up before it decimates every living thing. The scene I love is where the heads of NASA ask Harry to come into a scoping meeting about the asteroid and what it will take to drill into it and blow it up. Of course, NASA has never looked into real-world drilling and Harry has to tear up their bureaucratic decisions and save the day.

My father is a lot like Harry. Tough and caring over the years and, to the present day, he has outlined a list of action items that seriously addressed the vulnerabilities of Fontana city planning. While the action items should have been completed years ago, Fontana's political class' hubris has left them virtually ignored. Now the whole world has been locked down, and I'd like to take this time to make sure you understand that while not the actual cause of today's historical events, Fontana's negligence in not heeding my father, and others who have brought environmental concerns to bureaucrats, is certainly one of the many proximate causes of where we all find ourselves in 2020.

Government needs to focus on the public good. Government needs experts. And the public needs government. But over and over, Fontana has been conflating developer interests with both city planning expertise and the public good. The bias of developers (along with their deep pockets) has biased a system of planning for the public good by eliminating any outside experts and ignoring the public's health.

A perfect example of this ignorance is at present, where at a time when the whole world has been asked (and in many cases, ordered) to socially distance themselves from each other, Fontana is rezoning areas of single family homes into higher density zones in order to plan for more warehouse space. While the goods going to market will have plenty of protective space, the people are being forced, at their detriment, to stuff themselves into smaller and smaller areas. This plan is ridiculous in the context of what is going on as I write this.

Ultimately we have been warned about the dangers of a pandemic scourge on the planet. And yet Fontana seems to have ignored all the EIRs for every project from developers all along Fontana's route north on Sierra to the San Bernardino National Forest. By placing an industrial zone against this important and fragile ecosystem that all of Southern California shares, Fontana has piled on proximate danger to the planet's overall global climate danger, leading to a butterfly effect of scarcity both here and overseas, bringing all of us closer to real danger. Danger that both Harry in a fictional Armageddon—and my dad in the real world, locked inside his house, praying for this to pass so he can see his grandson in person once again—share in their urgent comments to the bureaucrats in charge.

Fontana (along with many other cities), has aided and abetted a consolidation of power in the hands of a few developers that never considered the cumulative "substantial effects" noted in any EIR, while both Fontana, and the

world now stands, unrecognizable. All to supplicate developers who spread their money around as if that money can now protect them from the dangers they themselves ignored, putting all of us in danger.

The next steps Fontana takes, coming out of this pandemic crisis, will be telling. My father's action items, again, have put Fontana on notice. Damages remain to be calculated, but it's really the human reaction that will be most telling.

Will there be admissions of wrongdoing? Will there be admissions that Fontana was wrong all along by ignoring EIRs? Will there be admissions that rezoning for added density is wrong?

Or will we all continue to suffer the effects of the wrongdoing because Fontana's political and planning class would rather risk their lives and those all around rather than suffer the indignity of having currently been proved wrong?

Either way, if we get through this, there will be a reckoning during the discovery phase of whatever trial(s) comes out of this disaster. We will indeed find out if the City of Fontana and others in Southern California have been burning down its own house to keep itself warm all these years, in a slow motion Armageddon, that is now moving as fast as an asteroid.

I agree with my father. This development needs to be immediately stopped. In addition, the exponential effects of all the cumulative "substantial effects" of every EIR and zoning change accommodated with a project's approval in Fontana should be studied and reported to the public as soon as it is safe enough to do so.

Sincerely,
Nikos Constant, Esq.

> On Mar 17, 2020, at 2:56 PM, Cecily Session-Goins <CSGoins@fontana.org> wrote:

>

> Good afternoon Nikos,

>

> Due to the COVID 19 situation, the scoping meeting for March 18 has been cancelled. If you have any written comments that you would like to share, please email them to me prior to the end of the Notice of Preparation period. Thank you in advance.

>

>

>

>

>

> Cecily Session-Goins

> Assistant Planner ? Community Development

> City of Fontana ? 8353 Sierra Ave ? Fontana, CA 92335

> CSGoins@fontana.org ? Office: (909) 350-6723

> -----

> This email contains material that is CONFIDENTIAL and/or PRIVILEGED and for the sole use of the intended recipient. Any review, distribution or forwarding without express permission is prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Thank you.-----Original Message-----

> From: Nikos Constant <nksenstnt@gmail.com>

> Sent: Monday, March 16, 2020 11:15 AM

> To: Cecily Session-Goins <CSGoins@fontana.org>

> Cc: Bob and Connie <bobcon56@cox.net>

> Subject: Is the March 18 scoping meeting rescheduled?

>

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

>

> Hello,

>

> We received notice of a March 18 5:30 pm scoping meeting for the Amended Notice of Preparation of Draft EIR

for the Sierra Avenue and Casa Grande Avenue Warehouse Project EIR.

>

> Is that meeting still on schedule, considering the Covid-19 Quarantine/Emergency?

>

> Sincerely,

> Nikos Constant

> 2132155960

>

From: [Rami Rami](#)
To: [Cecily Session-Goins](#)
Subject: Sierra and Casa Grande Warehouse
Date: Sunday, March 15, 2020 2:25:40 PM

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mrs. Goins,

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

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

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

Rami Asad
909-562-2640

Sent from the road!