Final Environmental Impact Report
SCH No. 2022090006

5355 East Airport Drive Project
City of Ontario, California

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Lead Agency Discretionary Permits
Development Plan PDEV22-017

February 2024

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SECTION 1.0 INTRODUCTION

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the City of Ontario, as the Lead Agency, has evaluated the comments received on the Draft Environmental Impact Report (Draft EIR) for the 5355 East Airport Drive Project (Project) (SCH No. 2022040177) and has prepared written responses to these comments. This Final Environmental Impact Report (Final EIR) has been prepared in accordance with the CEQA Statute and Guidelines and represents the independent judgment of the City of Ontario serving in its capacity as the CEQA Lead Agency.

According to CEQA Guidelines Section 15132, the Final EIR shall consist of:

(a) The Draft EIR or a revision of the draft;

(b) Comments and recommendations received on the Draft EIR either verbatim or in summary;

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR;

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

(e) Any other information added by the Lead Agency.

The City's Planning Commission will consider certification of the EIR, adoption of a Mitigation Monitoring and Reporting Program, and Findings of Facts as part of the approval process for the Project.

This Final EIR document is organized as follows:

Section 1 provides a brief introduction to this Final EIR document, a summary of the Draft EIR public review process, and a list of commenters.

Section 2 provides responses to the public comments that the City of Ontario received on the Draft EIR during the public review period. Responses are provided in the form of individual responses to each substantive environmental comment made in the comment letters received. Comment letters are presented and are followed by the responses to each substantive comment in each letter.

Section 3 contains revisions and clarifications to the Draft EIR as a result of the comments received. Changes to the Draft EIR that have been made in the Final EIR are presented as an Errata. This information does not constitute significant new information and recirculation of the EIR for further review pursuant to CEQA Guidelines Section 15088.5 is not required.

1.1 PUBLIC REVIEW PROCESS

In compliance with Section 15201 of the CEQA Guidelines, the City of Ontario (City) has taken steps to provide opportunities for public participation in the environmental review process. A Notice of Preparation (NOP) was distributed on September 1, 2022, to responsible agencies, local government agencies, and interested parties for a 30-day public review period (from September 1, 2022, to September 30, 2022) in order to solicit comments and inform agencies and the public of the Project. The NOP was also distributed to the State of California Office of Planning and Research, State Clearinghouse (SCH) for distribution to State agencies. The NOP was posted on the City's website and at the San Bernardino County Clerk's office on September 1, 2022. The Project was described; potential environmental effects associated with Project implementation were identified; and agencies and the public were invited to review and comment on the NOP. A copy of the NOP and comments received are included in *Appendix A* of the Draft EIR. The City received six comment letters in response to the NOP. Table 1-1 of the Draft EIR provides a brief summary of the NOP comments received that address environmental and related issues.

CEQA requires that a Draft EIR have a review period lasting at least 45 days for projects that have been submitted to the SCH for review (CEQA Guidelines§15105(a)). The Draft EIR was distributed to various public agencies, organizations, and individuals on August 22, 2023, for a 45 day review period, with the local review period and State review period ending on October 5, 2023. The City used several methods to elicit comments on the Draft EIR. A Notice of Availability (NOA) and the Draft EIR was distributed to the SCH for distribution to State agencies and was posted on the City's website. The NOA was also posted at the San Bernardino County Clerk's office on August 22, 2023. Also on August 22, 2023, the NOA was mailed to responsible agencies, local government agencies, and interested parties that received the NOP, to individuals who had previously requested the NOA or EIR, and to individuals who provided NOP comments. Finally, the NOA and Draft EIR were made available for review on the City's website at:

https://www.ontarioca.gov/Planning/Reports/EnvironmentalImpact.

The Planning Commission, as the final approval body, is scheduled to hold a public hearing to consider the proposed Project, associated actions, and certification of the Final EIR for the Project. A NOA for the Final EIR and the public hearing notice will be provided to all parties that submitted comments on the Draft EIR.

1.2 LIST OF EIR COMMENTERS

In accordance with Section 15132 of the CEQA Guidelines, following is a list of the parties that submitted comments on the Draft EIR. The City received two comment letters.

Responses to each comment are contained in Section 2.0. The two comment letters are assigned a letter (i.e., A and B) and the comments in each letter are divided into sequential numbered comments (i.e., A-1, A-2, A-3).

Commenting Party		Date of Letter
A.	Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy	October 5, 2023
B.	Blum, Collins & Ho LLP on behalf of Golden State Environmental Justice Alliance	October 4, 2023

SECTION 2.0 RESPONSES TO COMMENTS RECEIVED DURING THE PUBLIC REVIEW PERIOD

The two comment letters received by the City have been included and responded to in this Final Environmental Impact Report (Final EIR). Comments that address environmental concerns are thoroughly addressed. Comments that do not require a response are indicated below and include those that (1) do not address the adequacy or completeness of the Draft EIR (i.e., are outside the scope of CEQA); (2) do not raise environmental issues; (3) do not address the Project; or (4) request the incorporation of additional information not relevant to environmental issues.

CEQA Guidelines Section 15204(a) outlines the parameters for public agencies and interested parties to submit comments and the Lead Agency's responsibility for responding to specific comments. Per CEQA Guidelines Section 15204(a), comments should be related to:

> *[T]he sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible…CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or suggested by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

CEQA Guidelines Section 15204(c) further advises that, "[r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Additionally, CEQA Guidelines Section 15204(d) notes that, "[e]ach responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility;" but, pursuant to CEQA Guidelines Section 15204(e), "[t]his section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section [CEQA Guidelines Section 15204]."

CEQA Guidelines Section 15088, Evaluation of and Response to Comments, states:

> a) *The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.*

b) The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.

d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:

1. *Revise the text in the body of the EIR; or*
2. *Include marginal notes showing that the information is revised in the response to comments.*

This section includes responses to substantive Draft EIR comments received by the City. With respect to comment letters received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter.

In accordance with Public Resources Code Section 21092.5, written responses to public agency comments shall be provided to the public agency at least 10 days prior to certifying an EIR.

As described in Section 3.0, *Draft EIR Clarifications and Revisions*, of this document, the Draft EIR, revisions and information presented in response to comments received do not result in any of the conditions set forth in Section 15088.5 of the CEQA Guidelines requiring recirculation; therefore, the Draft EIR does not need to be recirculated prior to its certification.

COMMENT LETTER A

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October 5, 2023

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Re: Comments on the Draft Environmental Impact Report for 5355 East Airport Drive Project (SCH No. 2022090006; File No. PDEV22-017)

Dear Mr. Grahn and Mr. Zeledon:

We are writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to provide comments on the Draft Environmental Impact Report ("DEIR") prepared by the City of Ontario ("City") for 5355 East Airport Drive Project (SCH No. 2022090006; File No. PDEV22-017) ("Project"), proposed by Prologis. Inc ("Applicant").

The Project site is located on 13.08 acres at 5355 East Airport Drive in the City of Ontario, in San Bernardino County, California (Assessor Parcel Numbers: 0238-052-29 and 0238- 052-20). The Project proposes to demolish all existing on-site structures and redevelop the site as a warehouse distribution facility with approximately 270,337 square feet (sf") of building area and 54 south-facing loading dock doors. Of the total building square footage, the Project design allocates 255,337 sf for ground floor space and 15,000 sf for mezzanine space. Development of the Project site would require demolition of the existing buildings and structures, on-site landscaping, and on-site parking. The proposed building would be a one-story, 49-foot-tall speculative warehouse/distribution facility with ancillary office space.

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The Project design includes surface parking with 251 parking spaces including 126 standard automobile parking stalls, 7 accessible parking stalls, 25 electric vehicle parking stalls, 93 additional standard stalls within the truck court, and 48 truck trailer parking spaces.

A-1 (CONT.)

Based on our review of the DEIR and supporting documentation, we conclude that the DEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA")[1]. The DEIR fails to adequately analyze the Project's cumulative impacts in light of the community's existing pollution burden resulting from similar warehouse projects, and fails to propose feasible and enforceable mitigation measures to reduce those impacts to a less than significant level, as required by CEQA. The DEIR also underestimates potentially significant air quality, greenhouse gas ("GHG"), and energy impacts by failing to concretely describe the Project – which may have significantly greater cold storage uses, transport refrigeration units ("TRUs"), and backup generators than disclosed in the DEIR. The DEIR also impermissibly fails to identify specific and effective mitigation to reduce the Project's significant Vehicle Miles Traveled ("VMT") impact to the greatest extent feasible before declaring the impact significant and unavoidable.[2] The DEIR's transportation analysis also underestimates VMT and resultant GHG emissions. We reviewed the DEIR and its technical appendices with the assistance of transportation expert Norm Marshall.[3] We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.[4]

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As explained in these comments, the DEIR lacks substantial evidence to support its conclusions with regard to the Projects' impacts relating to air quality, health risks, greenhouse gases, energy, and transportation. The City may not approve the Project until the City revises and recirculates the Project's DEIR to adequately analyze the Project's significant direct, indirect and cumulative impacts, and incorporates all feasible mitigation measures to avoid or minimize these impacts to the greatest extent feasible.

[1] Pub. Resources Code §§ 21000 et seq.; 14 Cal. Code Regs ("CEQA Guidelines") §§ 15000 et seq. ("CEQA Guidelines").
[2] Pub. Resources Code, § 21081(a)(3), (b); *Covington v. Great Basin Unif. Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 879-883.
[3] Mr. Marshall's technical comments and curricula vitae are attached hereto as Exhibit A.
[4] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
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I. STATEMENT OF INTEREST

CARE CA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The coalition includes the District Council of Ironworkers and Southern California Pipe Trades DC 16, along with their members, their families, and other individuals who live and work in Ontario and in San Bernardino County.

CARE CA advocates for protecting the environment and the health of their communities' workforces. CARE CA seeks to ensure a sustainable construction industry over the long-term by supporting projects that offer genuine economic and employment benefits, and which minimize adverse environmental and other impacts on local communities. CARE CA members live, work, recreate, and raise their families in the City of Fontana and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CARE CA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

A-3

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[5] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[6]

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[5] PRC § 21100.
[6] *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).
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CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[7] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[8] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[9] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[10]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[11] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[12] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[13]

A-4
(CONT.)

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[14] As the courts have explained, a

[7] Pub. Resources Code § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[8] *Citizens of Goleta Valley,* 52 Cal.3d at p. 564 (quoting *Laurel Heights I*, 47 Cal.3d at 392).
[9] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; *see also Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).
[10] CEQA Guidelines § 15003(b).
[11] CEQA Guidelines § 15002(a)(2), (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.
[12] CEQA Guidelines § 15002(a)(2).
[13] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.
[14] *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).
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prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[15] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[16]

A-4 (CONT.)

III. THE PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[17] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[18] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[19] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[20]

A-5

CEQA Guidelines section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[21] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[22]

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[15] *Berkeley Jets*, 91 Cal.App.4th at p. 1355; *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).
[16] *Sierra Club,* 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).
[17] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[18] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[19] *Id.*
[20] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[21] CEQA Guidelines § 15378.
[22] *Id.*, § 15378(c).
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Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[23] "If a[n]…EIR…does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law."[24]

A-5 (CONT.)

A. The DEIR Fails to Describe the Project's End Uses with Sufficient Particularity to Adequately Evaluate Trips Generated by the Project

The DEIR assumes that the Project would include approximately 27,034 sf of high-cube cold storage uses (10% of the building space), with remaining portions of the building consisting of warehouse uses.[25] The DEIR explains that the Project's end users are unknown.[26] In order to develop the traffic characteristics of the proposed Project, trip-generation statistics published in the Institute of Transportation Engineers ("ITE") Trip Generation Manual for the proposed Project's land uses was utilized.[27] For purposes of the trip generation assessment, the DEIR used ITE land use code 150 (Warehousing) and ITE land use code 157 (High-Cube Cold Storage Warehouse). Transportation expert Norm Marshall explains that these land use codes are just one of many land use codes potentially applicable to the Project.[28] The figure below shows other warehousing land use codes and compares trips generated by each land use.

A-6

[23] *Laurel Heights I,* 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.
[24] *Riverwatch v. Olivenhain Municipal Water Dist*. (2009) 170 Cal. App. 4th 1186, 1201.
[25] DEIR, pg. 3-13.
[26] DEIR, pg. 4.7-17.
[27] DEIR, pg. 4.10-5.
[28] Marshall Comments, pg. 4.
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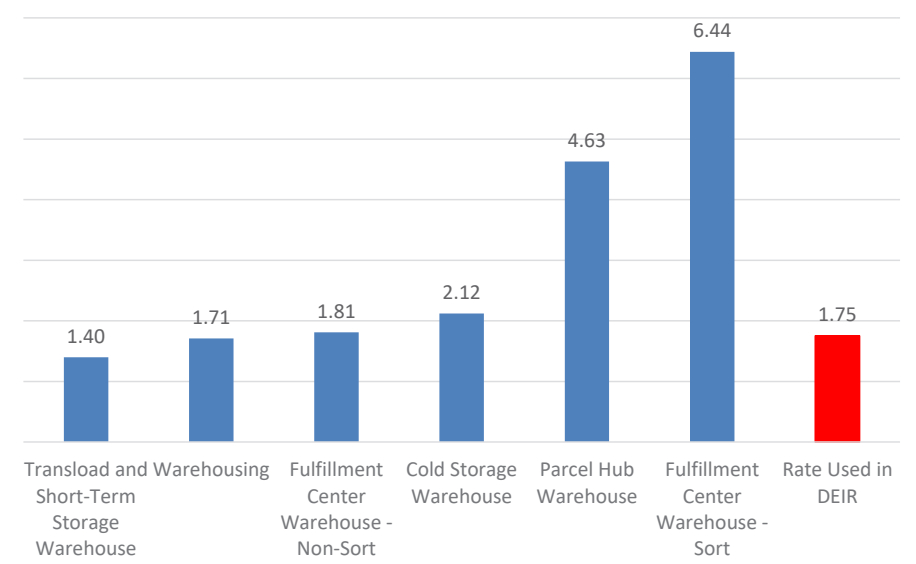
Figure 1: Trip Generation Rates for Different Warehouse Categories (Trips Per 1000 Square Feet per Day)[29]



A-6 (CONT.)

The DEIR fails to address why the other land use codes shown above are inapplicable to the Project. And the DEIR fails to provide sufficient information about the Project's expected uses and configuration for the public and decisionmakers to ascertain which of these end uses are possible for the Project. This informational defect affects the entire DEIR, as different types of warehousing have different environmental impacts.

Mr. Marshall explains that the land use code selected by the DEIR may drastically underestimate the Project's GHG and VMT impacts. Specifically, the Parcel Hub Warehouse trip generation rate is 2.6 times the rate used in the DEIR, and the Fulfillment Center Warehouse with Sorting rate is 5.2 times the rate used in the DEIR.[30] A greater number of trips generated results in greater traffic impacts and greater emissions of GHGs. Given the large uncertainty in the trips generated by the Project, the DEIR fails to meet CEQA's requirement that a project be

[29] Marshall Comments, pg. 5.
[30] *Id.*
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described with enough particularity that its impacts can be assessed.[31] Mr. Marshall recommends two approaches to resolve this issue: either a) applying a significantly higher and more conservative trip generation rate, or b) requesting as a condition of approval that trip generation will not exceed the number assumed in the EIR, and this be certified prior to beginning construction.[32] The City should revise and recirculate the DEIR to correct these deficiencies and to present a revised trip generation analysis which reflects reasonably foreseeable conditions at the Project site, or condition Project approval on the limitations assumed in the DEIR.

A-6 (CONT.)

B. The DEIR Fails to Substantiate Its Estimate that Just 10% Percent of the Project Will be Used for Cold Storage

The DEIR assumes, without support, that the Project would only include approximately 27,034 sf of high-cube cold storage uses (10% of the building space), with remaining portions of the building consisting of warehouse uses.[33] The DEIR states that a limitation of 10% of the building for potential cold storage is based on the Project Applicant's understanding of the cold storage market demand.[34] However, this assumption, even if based on a reasonable interpretation of current market conditions, is subject to fluctuate during the life of the Project and is not otherwise reflected in any enforceable conditions related to Project use.

A-7

In order for the City to rely on the Applicant's 10% cold storage assumption in the CEQA document, the DEIR would need to include binding measures or conditions which limit warehouse use at the Project to no more than 10% cold storage. Absent such a restriction, the DEIR may substantially estimate the air quality, public health, and energy impacts of cold storage use at the Project site.

Cold storage warehouse generates greater environmental impacts than a high cube warehouse. Cold storage generates more trips per square foot and has higher energy impacts due to the low temperatures required by the facility's transport refrigeration units ("TRUs") and on-site storage. TRUs are refrigeration systems powered by integral diesel engines.[35] The refrigeration systems are used to control the environment of temperature-sensitive products transported in insulated

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[31] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[32] Marshall Comments, pg. 5.
[33] DEIR, pg. 3-13.
[34] *Id.*
[35] California Air Resources Board, 2022 TRU Technology Assessment, pg. 1, https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.
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trucks, trailers, shipping containers, or railcars. The California Air Resources Board ("CARB") states that TRUs emit diesel particulate matter ("DPM"), fine particulate matter ("PM2.5"), oxides of nitrogen ("NOx"), and GHGs while in transit and during stationary operation at refrigerated warehouses or distribution centers, grocery stores, seaport facilities, intermodal railyards, and other locations of operation. CARB explains that communities near facilities where TRUs operate bear a disproportionate health burden:

> PM2.5 pollution contributes to more fatalities than other air pollutants and can lodge deep in the lungs or pass through the lungs to enter the blood stream and affect the heart, brain, and other organs. Adverse health effects from long-term exposure to PM2.5 pollution include increased risk of heart attacks and heart disease, impaired lung development in children, the development and exacerbation of asthma, and premature death. NOx is a precursor to ozone, which can cause irritation and damage lung tissue, worsen asthma and chronic illnesses including obstructive pulmonary disease and reduce lung function.[36]

CARB also explains that TRUs' emissions of GHGs contribute towards climate change,[37] and that TRUs generate noise impacts: "TRU operations produce noise that can be problematic when deliveries that often occur late evening or early morning are near residential neighborhoods, hotels, hospitals, and elder care facilities… One study conducted by LSA Associates found that a diesel-powered TRU operating at high idle produces an A-weighted decibel (dBA) noise rating of 104 dBA, while a diesel truck at idle produces a noise rating of 96 dBA."[38]

By assuming the Project will only include 10% cold storage, the DEIR may drastically underestimate the Project's impacts in each of these areas. The DEIR does not provide supporting evidence demonstrating that cold storage uses would be limited to 10% of the Project site for the duration of the Project's life. Due to ever-increasing population and market demands in Southern California, it is also reasonably foreseeable that the Project may attract end users, either now or in future years of the Project's life, which require more than 10% cold storage. As a result, the DEIR's assumption is not supported by substantial evidence.

A-8 (CONT.)

[36] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[37] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[38] California Air Resources Board, 2022 TRU Technology Assessment, pg. 17-18.
6752-004j

In the California Attorney General's ("AG") guidance for warehouse projects, the AG recommends that, unless a developer adopts mitigation measures limiting cold storage impacts, the developer should record a covenant on the title of the underlying property to ensuring that the property cannot be used to provide refrigerated warehouse space.[39] The City should include such a title restriction for the Project unless the DEIR's 10% cold storage assumption is revised to analyze and mitigate impacts associated with a more conservative and fact-based cold-storage use percentage.

A-9

C. The Project Description Fails to Include Reasonably Foreseeable Backup Generators

The DEIR fails to disclose potential backup/emergency stationary generators for the Project's operations. The DEIR's project description does not address whether backup generators are a reasonably foreseeable component of the Project, and the DEIR's technical analyses assume no backup generators will be installed for operations. The DEIR does not disclose any conditions or mitigation measures that limit or prevent use of backup generators. Thus, the DEIR must disclose and analyze the potential use of backup generators because (1) they a reasonably foreseeable consequence of the Project, and (2) the use of backup generators will expand the Project's environmental effects.[40]

In *East Oakland Stadium Alliance v. City of Oakland*,[41] the Court of Appeal upheld an EIR's analysis of emissions from backup generators. The EIR's analysis assumed that generators would operate for 50 hours of testing and maintenance annually, while allocating no time for actual emergency use. In discussing the lead agency's duty to analyze backup generator emissions, the Court stated that "if the annual need for emergency generator use is reasonably foreseeable, the EIR was not entitled to disregard such use merely because it would occur at unpredictable times."[42] The Court explained that use of a generator was reasonably foreseeable because, "[a]s noted in the EIR, some parts of the Bay Area are subject to

A-10

[39] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").
[40] *Id.*
[41] (2023) 889 Cal. App. 5th 1226.
[42] *Id.* at 1252.
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predictable, sustained power outages undertaken to reduce the risk of fire."[43] Thus, "[t]he EIR was required to make neither a generally applicable nor a worst-case assumption; rather it was required to make a reasonable estimate of likely annual use of the generators at the project site."[44]

Here, as in *East Oakland Stadium Alliance*, back-up generators are a reasonably foreseeable consequence of the Project due to increasingly common Public Safety Power Shutoff ("PSPS") events and extreme heat events. Extreme heat events ("EHE") are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.[45] From January 2019 through December 2019, Southern California Edison reported 158 of their circuits underwent a PSP event.[46] In Los Angeles County, two circuits had 4 PSPS events during that period, lasting an average of 35 to 38 hours. The total duration of the PSPS events lasted between 141 hours to 154 hours in 2019. According to the California Public Utilities Commission (CPUC) de-energization report[47] in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers. The California Air Resources Board estimates that with 973,000 customers impacted by PSPS events in October 2019, approximately 125,000 back-up generators were used by customers to provide electricity during power outage.[48] The widespread use of back-up generators to adapt to PSPS and EHE events suggests that back-up generators are a reasonably foreseeable consequence of the Project.

A-10
(CONT.)

Further demonstrating that backup generators are reasonably foreseeable is that the DEIR assumes that 10% of the building (27,034 sf) would be cold storage.[49] A cold storage warehouse has the ability to keep temperature sensitive items in a

[43] *Id.* at 1253.
[44] *Id.*
[45] Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.
[46] SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.
[47] https://www.cpuc.ca.gov/deenergization/ as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage..
[48] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps.
[49] DEIR, pg. 3-2 (Although the future tenant(s) of the proposed building is unknown at this time, for purposes of analysis within this EIR it is assumed that the building would include approximately 27,034 s.f. of high-cube cold storage uses (10% of the building space), with remaining portions of the building consisting of warehouse uses).
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temperature-controlled environment, which requires a constant energy supply to power refrigeration. Cold storage warehouses thus commonly utilize backup generators.[50] Backup generators commonly rely on fuels such as natural gas or diesel,[51] and thus can significantly impact air quality, GHG emissions, and public health through toxic DPM emissions.[52] Since the Project may include cold storage, it is reasonably foreseeable that the Project would require on-site backup generators.

A-10 (CONT.)

Generators can emit criteria air pollutants, greenhouse gases, and toxic air contaminants ("TACs"). Backup generators commonly rely on fuels such as natural gas or diesel,[53] and thus can significantly impact public health through DPM

[50] California Air Resources Board, Comments re: Notice of Preparation (NOP) for the United States Cold Storage Hesperia Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020069036 (July 24, 2020), available at https://ww2.arb.ca.gov/sites/default/files/classic//toxics/ttdceqalist/uscoldstorage.pdf (stating that the HRA prepared for the Project should account for all potential health risks from Project-related diesel PM emission sources such as backup generators, TRUs, and heavy-duty truck traffic); Kusing Power Generator, http://ksdieselgenerator.com/2019/backup-generator-for-cold-storage-room.html, last visited 6/21/2021 ("Backup power supply is necessary for cold storage room to remain functional to avoid deterioration of high value-added goods such as vegetables and food stored in the room after long period of power failure"); East Coast Power Systems, Electrical Power Systems for Warehouses, https://www.ecpowersystems.com/resources/electrical-power-systems/electrical-power-systems-for-warehouses/ (explaining that some warehouses that deal with refrigeration have to have multiple power backup generators by law).

[51] SCAQMD, Fact Sheet on Emergency Backup Generators, http://www.aqmd.gov/home/permits/emergency-generators ("Most of the existing emergency backup generators use diesel as fuel").

[52] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), available at https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff ("When electric utilities de-energize their electric lines, the demand for back-up power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts)").

[53] SCAQMD, Fact Sheet on Emergency Backup Generators, http://www.aqmd.gov/home/permits/emergency-generators ("Most of the existing emergency backup generators use diesel as fuel").

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emissions.[54] Diesel back-up generators emit significant amounts of Nitrogen Oxides ("NOx"), sulfur dioxides ("SO2"), particulate matter ("PM10"), carbon dioxide ("CO2"), carbon monoxide ("CO"), and volatile organic compounds ("VOC").[55] Omission of a generator system results in an underestimation of the Project's air quality, greenhouse gas, and health risk impacts.

A-10 (CONT.)

In sum, omission of the Project's generator results in an underestimation of the Project's air quality, greenhouse gas, energy, and health risk impacts. The DEIR must be revised to resolve this project description inconsistency and correct the affected impacts analyses to accurately disclose the Project's potentially significant impacts.

IV. THE DEIR FAILS TO DISCLOSE, ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact

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[54] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), available at https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff ("When electric utilities de-energize their electric lines, the demand for back-up power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts)").

[55] University of California, Riverside Bourns College of Engineering—Center for Environmental Research and Technology, Air Quality Implications Of Backup Generators In California, (March 2005), pg. 8, available at https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=84c8463118e4813a117db3d768151a8622c4bf6b; South Coast AQMD, Fact Sheet on Emergency Backup Generators ("Emissions of Nitrogen Oxides (NOx) from diesel-fired emergency engines are 200 to 600 times greater, per unit of electricity produced, than new or controlled existing central power plants fired on natural gas. Diesel-fired engines also produce significantly greater amounts of fine particulates and toxics emissions compared to natural gas fired equipment."), available at http://www.aqmd.gov/home/permits/emergency-generators#Fact2.

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must be supported by accurate scientific and factual data.[56] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[57]

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[58] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[59] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[60]

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(CONT.)

Additionally, CEQA requires agencies to commit to all feasible mitigation measures to reduce significant environmental impacts.[61] In particular, the lead agency may not make required CEQA findings, including finding that a project impact is significant and unavoidable, unless the administrative record demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[62]

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'"[63]

[56] CEQA Guidelines § 15064(b).
[57] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
[58] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[59] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[60] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
[61] CEQA Guidelines § 15002(a)(2).
[62] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090, 15091; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[63] *Berkeley Jets*, 91 Cal.App.4th at 1355.
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A. The DEIR Fails to Adequately Disclose, Analyze and Mitigate the Project's Cumulative Impacts

An EIR must evaluate a cumulative impact if the project's incremental effect combined with the effects of other projects is "cumulatively considerable."[64] This determination is based on an assessment of the project's incremental impacts "viewed in connection with the effects of past project, the effects of other current projects, and the effects of probable future projects."[65] Proper cumulative impact analysis is vital because "the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."[66]

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1. The DEIR Fails to Provide a List of Cumulative Projects

The CEQA Guidelines set forth two methods for satisfying the cumulative impacts analysis requirement: the list of projects approach and the summary of projections approach.[67] Under the former, an adequate discussion of cumulative impacts requires "a list of past, present, and probable future projects producing related or cumulative impacts…"[68] Relevant factors when compiling a list of related projects include the environmental resource being examined and the location and type of the project.[69] The Guidelines expressly recognize that project type may be important "when the impact is specialized, such as a particular air pollutant or mode of traffic."[70]

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Here, the DEIR states that it uses a combination of the two methods as appropriate for each impact analysis:

> The summary of projections approach is used in this EIR, except for the evaluation of cumulative transportation effects (for purposes of demonstrating General Plan policy compliance) and vehicular-related air

[64] CEQA Guidelines § 15130(a).
[65] *Id.*, §§ 15065(a)(3), 15355(b).
[66] *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 114.
[67] CEQA Guidelines, § 15130(b)(1) and (2).
[68] *Id.*, § 15130(b)(1)(A).
[69] *Id.*, § 15130(b)(2).
[70] *Id.*
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quality, greenhouse gas, and noise impacts, for which the analysis combines the summary of projections approach with the manual addition of past, present, and reasonably foreseeable projects ("combined approach"). The City determined the combined approach to be appropriate because long-range planning documents contain a sufficient amount of information to enable an analysis of cumulative effect for all subject areas, with the exception of transportation (and vehicular-related air quality, greenhouse gas, and noise effects), which requires a greater level of detailed study.[71]

A-13 (CONT.)

However, the DEIR fails to provide a list of cumulative projects. And the appendices containing the air quality, greenhouse gas, and noise analyses do not consider past, present, and reasonably foreseeable projects. The air quality, greenhouse gas, and noise analyses should be revised to include consideration of cumulative projects, as recommended by the DEIR itself.

2. The DEIR's Cumulative Air Emissions Analysis Does Not Comply with CEQA or Attorney General Warehouse Guidance

The DEIR fails to adequately analyze the Project's cumulative air quality emissions. The DEIR asserts that, under South Coast Air Quality Management District ("SCAQMD") guidance, any exceedance of a regional or localized threshold for criteria pollutants also is considered to be a cumulatively-considerable effect, while air pollutant emissions that fall below applicable regional and/or localized thresholds are not considered cumulatively-considerable.[72]

A-14

The DEIR fails to note that SCAQMD's approach is outdated, as evidenced by its ongoing process to update its cumulative impacts guidance.[73] The DEIR's approach has been also rejected by the courts for failing to comply with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable."[74] The City's failure to actually examine the Project's cumulative air quality impacts violates CEQA's requirement to analyze cumulative impacts.

[71] DEIR, pg. 4-2.
[72] DEIR, Appendix B, pg. 53.
[73] See e.g., http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-3_20230124.pdf?sfvrsn=6.
[74] PRC § 21083(b)(2); 14 CCR § 15130; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 719-21.
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The leading case on this issue is *Kings County Farm Bureau v. City of Hanford*.[75] In *Kings County*, the city prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant. Notwithstanding the fact that the EIR found that the project region was out of attainment for PM_{10} and ozone, the city failed to incorporate mitigation for the project's cumulative air quality impacts from project emissions because it concluded that the Project would contribute "less than one percent of area emissions for all criteria pollutants."[76] The city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA. The court rejected this approach, finding it "contrary to the intent of CEQA." The court stated:

> We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF's "ratio" theory, the greater the over-all problem, the less significance a project has in a cumulative impacts analysis. We conclude the standard for a cumulative impacts analysis is defined by the use of the term "collectively significant" in Guidelines section 15355 and the analysis must assess the collective or combined effect of energy development. The EIR improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[77]

A-14
(CONT.)

The DEIR's analysis is similarly flawed because while the DEIR admits that the Project region is out of attainment for ozone, PM_{10}, and $PM_{2.5}$, the City fails to analyze or mitigate the Project's emissions' cumulative air quality impacts.[78] Given that there are multiple existing large warehouses immediately adjacent to the proposed Project site,[79] as well as the proliferation of warehouse projects in the region and San Bernardino County, the DEIR is inadequate in its analysis of the Project's potentially significant cumulative air quality impacts.

[75] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("Kings County"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.
[76] *Id.* at 719.
[77] *Id.* at 721.
[78] DEIR, pg. 5.2-17.
[79] DEIR, pg. 2-4, Figure 2-1.
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The SCAQMD approach used in the DEIR also directly conflicts with the AG recent guidance document setting forth best practices for evaluating the environmental impacts of warehouse projects like this one under CEQA.[80] With respect to cumulative air quality and GHG emissions analysis, the Attorney General's guidance states that best practices include "[w]hen analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, *even if the project's individual impacts alone do not exceed the applicable significance threshold* [emphasis added]."[81]

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The DEIR's cumulative air quality impacts analysis does not comply with CEQA. The City must prepare a revised EIR that properly evaluates and mitigates such impacts.

3. The DEIR's Health Risk Analysis Fails to Consider the Health Impacts of Cumulative Emissions from Nearby Warehouses

The DEIR's analysis of cumulative health risks is flawed for the same reason as the air quality analysis. The DEIR points to guidance from SCAQMD to reason that emissions of TACs are considered significant if a quantified health risk analysis ("HRA") shows an increased risk of greater than 10 in 1 million.[82] And the DEIR provides that Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable, and vice versa.[83] This approach is inadequate because it fails to analyze the Project's cumulative effects with the existing and proposed warehouses surrounding the Project site.

A-16

CEQA provides that the incremental effects of an individual project are cumulatively considerable if the effects are significant when "viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."[84] Courts have held that where a community already

[80] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* (Updated September 2022), available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf .
[81] *Id.*, pg. 7.
[82] DEIR, Appendix B2, pg. 5.
[83] *Id.*
[84] CEQA requires a lead agency consider whether the combined effects from both the proposed project and other projects would be "cumulatively considerable." (CEQA Guidelines, § 15130, subd. (a).) The incremental effects of an individual project are cumulatively considerable if the effects are
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bears a high pollution burden, a lead agency must consider "whether any additional amount" of pollution caused by the project "should be considered significant in light of the serious nature" of the existing problem.[85]

Here, the DEIR's approach of using a project-level analysis as a substitute for a cumulative impacts analysis fails to address that the Project would be impacting a community already bearing a high pollution burden. The DEIR's CalEEMod output sheets show the community' pollution burden as scoring 91.1 in AQ-Ozone, 95.7 in AQ-PM, and 96.6 in AQ-DPM.[86] A high score reflects a higher pollution burden compared to other census tracts in the state, with a maximum CalEnviroScreen score of 100.[87] Despite this high pollution burden, the DEIR concludes that the Project would not contribute to cumulative impacts because its own impacts would result in an increased risk of less than 10 in 1 million. This analysis violates principles of *Kings County Farm Bureau v. City of Hanford* and guidance from Attorney General. The City must revise and recirculate a DEIR that analyzes the Project's potentially significant cumulative health risk impacts.

A-16 (CONT.)

B. The DEIR's Quantified Health Risk Analysis Underestimates Operational Mobile Source Impacts

The DEIR includes an HRA addressing the Project's construction and operational impacts. The operational HRA is flawed because it omits analysis of TRUs.[88]

As explained above, TRUs emit DPM, PM2.5, NOx, and GHGs while in transit and during stationary operation at refrigerated warehouses or distribution centers, grocery stores, seaport facilities, intermodal railyards, and other locations of operation.[89] CARB explains that communities near facilities where TRUs operate bear a disproportionate health burden:

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significant when "viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Id., §§ 15065, subd. (a)(3), 15355, subd. (b).)
[85] *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at 718; *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720.
[86] DEIR, Appendix B2, PDF pg. 64-65.
[87] *Id.*
[88] DEIR, Appendix B2, pg. 13-18.
[89] California Air Resources Board, 2022 TRU Technology Assessment, pg. 1, https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.
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> PM2.5 pollution contributes to more fatalities than other air pollutants and can lodge deep in the lungs or pass through the lungs to enter the blood stream and affect the heart, brain, and other organs. Adverse health effects from long-term exposure to PM2.5 pollution include increased risk of heart attacks and heart disease, impaired lung development in children, the development and exacerbation of asthma, and premature death. NOx is a precursor to ozone, which can cause irritation and damage lung tissue, worsen asthma and chronic illnesses including obstructive pulmonary disease and reduce lung function.[90]

A-17 (CONT.)

Thus, the omission of TRUs in the DEIR's HRA results in an underestimate of the Project's health risk impacts. The DEIR's significance findings are thus not supported by substantial evidence. The DEIR must be revised to adequately disclose the health risk impacts from TRUs.

C. The DEIR Underestimates Project VMT and Mobile Source GHGs

Transportation expert Norm Marshall explains that the DEIR potentially underestimates average trip lengths for both trucks and passenger vehicles.[91] Longer trip lengths results in greater impacts (including air quality, GHGs, and VMT). As a result, the analyses that rely on these trip lengths lack the support of substantial evidence. The DEIR air quality analysis relies on the follow trip lengths:

> To determine emissions from trucks for the proposed industrial uses, the analysis incorporated the SCAQMD recommended truck trip length of 15.3 miles for 2-axle (LHDT1, LHDT2), 14.2 miles for 3-axle (MHDT) trucks, and 40 miles for 4+-axle (HHDT) trucks and weighting the average trip lengths using traffic trip percentages.[92]

A-18

The DEIR states that these truck trip distances are recommended by SCAQMD, but Mr. Marshall explains that SCAQMD does not make a recommendation that these trip distances be used for warehouse project EIRs.[93] Rather, the AG's guidance document for warehouse projects states:

[90] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[91] Marshall Comments, pp. 6-7.
[92] DEIR, Appendix B1, pg. 37.
[93] Marshall Comments, pg. 6-7.
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> CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.[94]

A-18 (CONT.)

In contrast to the approach recommended by the AG, the DEIR's estimated trip distances did not account for the Project's likely trip destinations. Mr. Marshall explains that, while it may be too early to determine specific truck trip origins and destinations, it is notable that important major freight origins and destinations are considerably further away than the trip lengths assumed in the DEIR.[95] These include the Ports of Los Angeles and Long Beach – approximately 60 miles away. The DEIR's analysis thus likely underestimates trip distances.

The DEIR also underestimates lengths of passenger trips generated by the Project. Mr. Marshall observes that CalEEMod trip lengths were used for passenger trips.[96] But in the DEIR's VMT analysis, the DEIR acknowledges that the Project's VMT per service population, i.e., the VMT per worker, is significantly higher than the average for the City of Ontario, and therefore, also significantly higher than the regional average.[97] Mr. Marshall explains that the average auto trip lengths should be increased from the default values to account for the VMT-inefficient project location. Thus, the DEIR's analysis lacks the support of substantial evidence, and must be revised.

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D. The DEIR Fails to Identify All Feasible VMT Mitigation Measures

The DEIR concludes that the Project would result in a significant and unavoidable VMT impact despite mitigation included in the DEIR. Specifically, the DEIR estimates that the Project would exceed the VMT screening thresholds by a wide margin: 22.56% in the baseline year and 28.47% in the horizon year.[98] The DEIR identifies the following mitigation for this significant impact:

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[94] Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022), pg. 7.
[95] Marshall Comments, pg. 7.
[96] *Id.*; DEIR, Appendix F, pg. 56
[97] Marshall Comments, pg. 7.
[98] Marshall Comments, pg. 1.
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> MM 4.10-1: Prior to the issuance of a certificate of occupancy, the building operator shall prepare and submit for approval to the City of Ontario Community Development Department a Transportation Demand Management Program (TDMP). The TDMP shall specify measures that the building operator will commit to implementing in an effort to reduce vehicle miles traveled for its on-site employees. The TDMP shall include provisions, incentives, and programs for employee ridesharing programs, carpools, vanpools, transit use, bike travel, avoidance of peak periods of traffic congestion, and on-site parking preferences for zero-emission vehicles, among other items that have reasonable potential of reducing employee reliance on single-occupant gas-powered vehicles during peak time travel periods (rush hours).[99]

This measure fails to meet CEQA's standards for mitigation. CEQA provides that if the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[100] Further, EIRs must mitigate significant impacts through measures that are "fully enforceable through permit conditions, agreements, or other legally binding instruments."[101] Deferring formulation of mitigation measures is generally impermissible.[102] If identification of specific mitigation measures is impractical until a later stage in the Project, specific performance criteria must be articulated and further approvals must be made contingent upon meeting these performance criteria.[103] Mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[104]

Here, the measure improperly defers identification of specific VMT-reducing mitigation measures to a future date. MM 4.10-1 does not commit to any particular measures to reduce VMT. Nor does the DEIR articulate specific performance criteria to ensure that impacts would be mitigated to the greatest extent feasible. Mr. Marshall notes that, while MM 4.10-1 lists potential measures to reduce VMT,

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(CONT.)

[99] DEIR, pg. S-24.
[100] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.
[101] CEQA Guidelines, § 15126.4, subd. (a)(2).
[102] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; Pub. Resources Code, § 21061.
[103] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393; *Quail Botanical*, *supra*, 29 Cal.App.4th at pg. 1604, fn. 5.
[104] *Endangered Habitats League, Inc. v. County of Orange,* (2005) 131 Cal.App.4th 777, 794.
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there is no clear commitment or description of the measures.[105] Mr. Marshall explains that the measures listed in MM 4.10-1 can be formulated in a variety of ways that determine the magnitude of VMT reductions.[106] MM 4.10-1 is thus improperly deferred mitigation that does no more than allow approval by a county department without setting enforceable standards.[107]

A-20 (CONT.)

As a result of this improper deferral of mitigation, the DEIR also fails to comply with CEQA's requirement to reduce all significant effects on the environment to the greatest extent feasible. MM 4.10-1 must be revised to clearly require the all feasible VMT-reducing measures be adopted until the expected 28.47% excess VMT is mitigated.

V. CONCLUSION

For the reasons discussed above, the DEIR for the Project is inadequate under CEQA. It must be revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

A-21

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,

Aidan P. Marshall

APM:ljl

[105] Marshall Comments, pg. 2.
[106] *Id.*
[107] *Endangered Habitats League, Inc. v. County of Orange,* (2005) 131 Cal.App.4th 777, 794.
6752-004j

EXHIBIT A

794 Sawnee Bean Road
Thetford Center VT 05075

Norman Marshall, President
(802) 356-2969

nmarshall@smartmobility.com

October 4, 2023

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: 5355 East Airport Drive Project

Dear Mr. Marshall,

I have reviewed trip generation, vehicle miles traveled (VMT) impacts and greenhouse gas (GHG) impacts of the City of Ontario Draft Environmental Impact Report for a proposed warehouse project at 5355 East Airport Drive ("DEIR"). I make the following findings:

1) The DEIR acknowledges significant and unavoidable VMT impact. Furthermore, the DEIR documents that the project would exceed the VMT screening thresholds by a wide margin: 22.56% in the baseline year and 28.47% in the horizon year.
2) The proposed VMT mitigation is not fully specified or quantified in the DEIR and appears to fall far short of what would be required to reduce project VMT below the City's threshold. Achieving significant VMT mitigation for this project may be impossible – but mitigation must be specified and quantified for the project to be properly evaluated.
3) Project trip generation could be much higher than assumed. Given the large uncertainty in the project's trip generation, the applicant should take one of two paths -either a) applying a significantly higher and more conservative trip generation rate, or b) requesting as a condition of approval that trip generation will not exceed the number assumed in the EIR, and this be certified prior to beginning construction.
4) Project GHG emissions could be much higher than assumed. In addition to trip generation possibly being underestimated, average trip lengths for both trucks and passenger vehicles are likely to be underestimated in the DEIR.

A-22

1

Significant and Unavoidable VMT impact

The DEIR states that the project would have a "Significant and Unavoidable [VMT] Impact." (DEIR, p. S-24)

DEIR Appendix J, "IE Distribution Center #14 Vehicle Miles Traveled (VMT) Analysis," evaluates the project relative to the City of Ontario's VMT screens and concludes:

- TPA [Transit Priority Area] screening criteria is not met.
- Low VMT Area screening criteria is not met.
- Project Type screening criteria is not met.

As the project fails these screens, a full VMT analysis was performed using the San Bernardino Transportation Analysis Model (SBTAM). The table below copied from DEIR Appendix J, p. 9 summarizes the results of this analysis.

A-23

TABLE 10: PROJECT COMPARISON TO CITY OF ONTARIO VMT THRESHOLD

	Baseline	Buildout Year
Impact Threshold	27.61	27.61
Project	33.84	35.47
Percent Change	+22.56%	+28.47%
Potentially Significant?	Yes	Yes

As shown in the reproduced table, the proposed project would exceed the City's VMT threshold by 22.56% in the baseline year and by an even larger 28.47% in the buildout year (2050).

The VMT Mitigation Described in the VMT is Inadequate

The City of Ontario's VMT Resolution adopted June 16, 2020, reiterates General Plan Mobility Element M1-2: **"Mitigation of impacts. We require development to mitigate its traffic impacts."**

In the case of the proposed project, full mitigation would reduce VMT to below the threshold, i.e., the 28.47% excess VMT in the horizon year would be eliminated. The EIR should quantify the expected VMT reduction from mitigation. Unless the reduction is sufficient to achieve the VMT threshold, the EIR should justify why greater mitigation is infeasible.

The VMT mitigation described in the DEIR is:

> **MM 4.10-1** Prior to the issuance of a certificate of occupancy, the building operator shall prepare and submit for approval to the City of Ontario Community Development Department a Transportation Demand Management Program (TDMP). The TDMP shall specify measures that the building operator will commit to implementing in an effort to reduce vehicle miles traveled for its on-site employees. The TDMP shall include provisions, incentives, and programs for employee ridesharing programs, carpools, vanpools, transit use, bike travel, avoidance of peak periods of traffic congestion, and on-site parking preferences for zero-emission vehicles, among other items that have reasonable potential of reducing employee reliance on single-occupant gas-powered vehicles during peak time travel periods (rush hours). (DEIR, p. S-24)

A-24

2

The above wording is ambiguous. Is this a commitment to include all the measures listed, or only to a subset of the measures. For the included measures, what are the magnitudes of the different incentives. Are the included measures voluntary or mandatory? Is monitoring included? What is the total VMT reduction from the package, and is this reduction sufficient to adequately address the expected 28.47% excess VMT in the horizon year? If the planned reduction is not achieved, what are the consequences?

A-24 (CONT.)

The California Air Pollution Control Officers Association (CAPCOA) provides on quantifying VMT mitigation measures in its publication *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Final Draft, December 2021)*. It states:

> The Handbook builds on CAPCOA's previous efforts to provide accurate and reliable quantification measures. In 2010, CAPCOA published *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emissions Reductions from Greenhouse Gas Mitigation Measures* (hereafter referred to as the "2010 Handbook"). Since that time, climate science has evolved and GHG reduction practices have advanced in sophistication. New priorities have also arisen, such as strengthening climate resilience and infusing health and equity into integrated planning efforts. Therefore, CAPCOA decided it was time to develop an updated and expanded resource to provide the latest data and methods to quantify GHG emissions reductions, climate change vulnerability reductions, and equity improvements in a single resource: The Handbook. (p. 2-3)

The Handbook makes a critical distinction between voluntary and mandatory Commuter Trip Reduction ("CTR") programs:

A-25

T-5 Implement Commute Trip Reduction Program (Voluntary) – up to 4% VMT reduction:

> Voluntary CTR programs must include the following elements to apply the VMT reductions reported in literature. ▪ Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing (Measure T-8), discounted transit (Measure T-9), bicycling (Measure T-10), vanpool (Measure T-11), and guaranteed ride home. ▪ Information, coordination, and marketing for said services, infrastructure, and incentives (Measure T-7). (*Handbook*, p. 83)

T-5 Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring) – up to 26% VMT reduction:

> The mandatory CTR program must include all other elements (i.e., Measures T-7 through T-11) described for the voluntary program (Measure T-5) plus include mandatory trip reduction requirements (including penalties for non-compliance) and regular monitoring and reporting to ensure the calculated VMT reduction matches the observed VMT reduction). (*Handbook*, p. 86)

3

A 26% reduction at this site may be impossible given the relatively poor transit , bicycle and walk accessibility plus long commute distances that making walking and biking impractical. The DEIR states:

> Public transit service in the region is provided by Omnitrans, a public transit agency that serves various jurisdictions within San Bernardino County. There are no public transit routes that run adjacent to the Project Site under existing conditions. The nearest transit routes to the Project Site are Route 61 which has a stop located along Fourth Street, approximately 0.9 mile north of the Project Site and Route 82 which has a stop located at South Etiwanda and Jurupa Avenue, approximately 1.2 miles southeast of the Project Site. There are no existing bicycle facilities within the vicinity of the Project Site. The closest bike route to the Project Site is a Class III bike route located along Ontario Mills Parkway, approximately 0.4 mile north of the Project Site. There are no sidewalks on either side of East Airport Drive, with the exception of a small portion along the adjacent development frontage directly to the west at 5351 East Airport Drive. (DEIR, p. 2-11)

A-25 (CONT.)

Furthermore, ridesharing and vanpooling would be complicated by a geographically dispersed workforce and likely multiple shifts.

Joining with other employers would be beneficial. The more employers that support these VMT reduction programs, the stronger these programs will be, and the regional benefit of participating may be greater than just the onsite VMT reductions. For example, a vanpool could include multiple employers IE Commuter, a program of the San Bernardino County Transportation Authority in partnership with the Riverside County Transportation Commission, offers a full range of services to help employers set up and manage VMT reduction programs.[1]

Achieving significant VMT mitigation for this project may be impossible – but mitigation must be fully specified and quantified for the project to be properly evaluated.

A-26

Project Trip Generation Could Be Much Higher Than Assumed

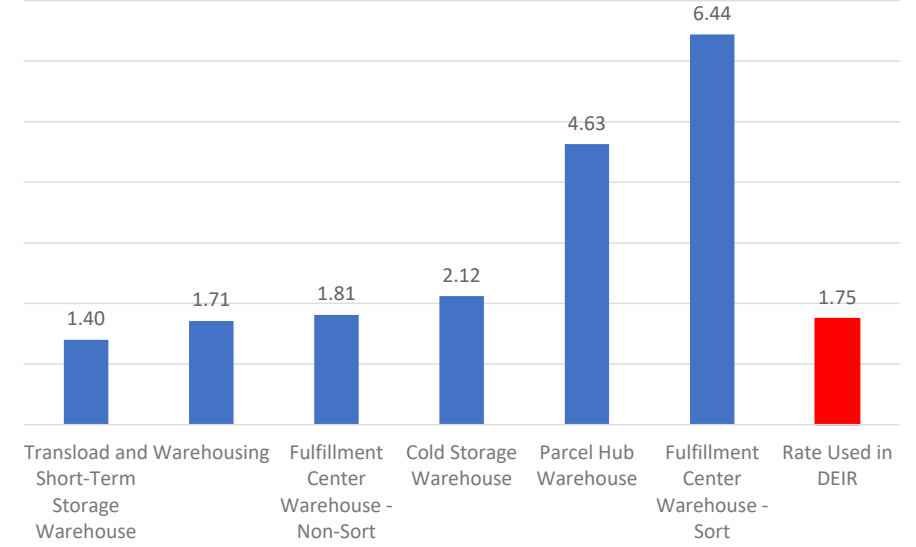
The project is comprised of a 270,377 square feet warehouse building. (DEIR, Appendix K, p. 1) The tenants have not been identified, and the nature of the operations are unknown at this time. For the purpose of estimating project trip generation, the DEIR assumes a mix of 90% warehousing and 10% high-cube cold storage. (DEIR, Appendix K, p. 1) This mix is highly speculative, and the project may not even include either of the assumed trip generation categories.

The DEIR estimates trip generation based on the rates in the Institute of Transportation Engineers ("ITE") *Trip Generation* manual. *Trip Generation* includes other categories of warehouses. As shown in the figure below, the trip generation rates applied in the DEIR are much lower than rates for some other warehouse categories.

A-27

[1] https://www.iecommufter.org/rp2/home/EmployerSupport

Trip Generation Rates for Different Warehouse Categories (Trips Per 1000 Square Feet per Day)



A-27 (CONT.)

The Parcel Hub Warehouse trip generation rate is 2.6 times the rate used in the DEIR, and the Fulfillment Center Warehouse with Sorting rate is 5.2 times the rate used in the DEIR.

A 2019 study of warehouse trip generation done by WSP for the Western Riverside COG documented even higher trip generation rates.[2] This study was based on counts at 16 warehouses, segmented between 11 fulfillment centers and 5 parcel hubs.

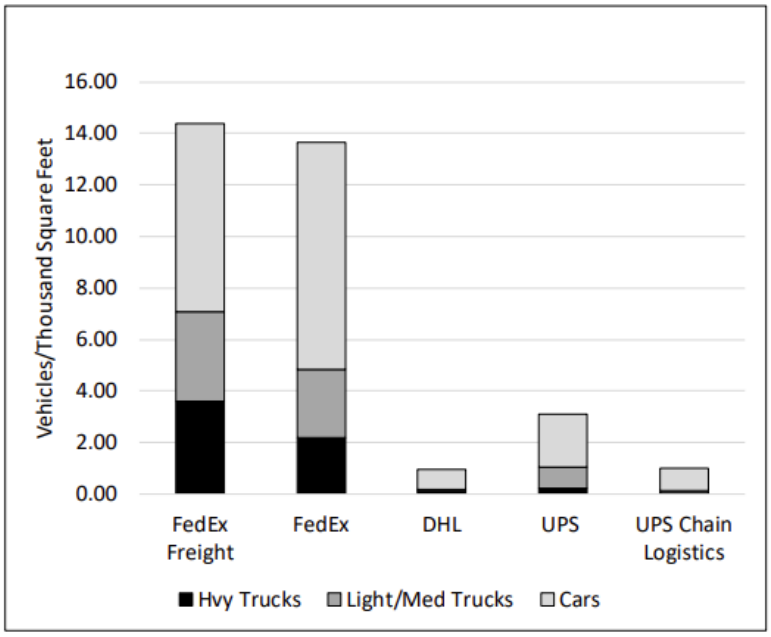
The observed trip generation rates at two of the parcel hub sites are even higher than the rates shown in the figure above.. As shown in the figure below, the highest trip generation rates were observed at two of the parcel hubs, with rates of about 14 trips per 1000 square feet per day, i.e., 8 times the rate used in the DEIR.

Given the large uncertainty in the project's trip generation, the applicant should take one of two paths - either a) applying a significantly higher and more conservative trip generation rate, or b) requesting as a condition of approval that trip generation will not exceed the number assumed in the EIR, and this be certified prior to beginning construction.

[2] https://wrcog.us/AgendaCenter/ViewFile/Agenda/_02212019-292

5

Exhibit 11: Daily Trip Generation Rates at Parcel Hubs



A-27 (CONT.)

Project VMT and GHG Emissions Could Be Much Higher Than Assumed

Any underestimate of trip generation translates into underestimated GHG emissions. It is likely that the DEIR also underestimates average trip lengths.

The DEIR air quality analysis (Appendix B1) states:

> To determine emissions from trucks for the proposed industrial uses, the analysis incorporated the SCAQMD recommended truck trip length of 15.3 miles for 2-axle (LHDT1, LHDT2), 14.2 miles for 3-axle (MHDT) trucks, and 40 miles for 4+-axle (HHDT) trucks and weighting the average trip lengths using traffic trip percentages. (DEIR, Appendix B1, p. 37)

A-28

The DEIR misstates that these truck trip distances are "recommended" by SCAQMD. The truck trip lengths are used in calculations of possible mitigation in *Second Draft Staff Report Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. And Proposed Rule 316 -Fees for Rule 2305*.[3] The reference for these numbers is the 2016 SCAG travel demand model (p. 117) and there is no indication that these numbers are intended for any

[3] www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pr-2305_sr_2nd-draft_4-7-21_clean.pdf

6

use beyond this single document. The 40-mile heavy truck trip length also appears in a 2014 slide presentation.[4] In neither case, are these numbers presented as general recommendations for warehouse EIRs.

The Attorney General's September 2022 guidance: *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*[5] states:

> CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur. (p. 7)

While it is too early to determine truck trip origins and destinations, it is notable that important major freight origins and destinations are considerably further away than the trip lengths assumed in the DEIR. These include the Ports of Los Angeles and Long Beach that are approximately 60 miles away. It would be more conservative to assume longer average truck distances in the air quality and GHG analyses.

The DEIR states that CalEEMod trip lengths were used for passenger trips:

> In order to determine emissions from passenger car vehicles, CalEEMod defaults for trip length and trip purpose were utilized. (DEIR, Appendix F, p. 56)

In the VMT analysis, the DEIR documents that the project's VMT per service population, i.e., the VMT per worker, is significantly higher than the average for the City of Ontario, and therefore, also significantly higher than the regional average. Therefore, the average auto trip lengths should be increased from the default values to account for the VMT-inefficient project location.

Underestimating truck and passenger vehicle VMT translates to underestimating GHG as well.

A-28
(CONT.)

Sincerely,

Norman L. Marshall

Norman L. Marshall

[4] https://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/sclc_warehouse-presentation-final.pdf
[5] https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf

Resume

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982
Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE: (33 Years, 19 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Portland Area Comprehensive Transportation System (PACTS) – the Portland Maine Metropolitan Planning Organization. Updating regional travel demand model with new data (including AirSage), adding a truck model, and multiclass assignment including differentiation between cash toll and transponder payments.

Loudoun County Virginia Dynamic Traffic Assignment – Enhanced subarea travel demand model to include Dynamic Traffic Assignment (Cube). Model being used to better understand impacts of roadway expansion on induced travel.

Vermont Agency of Transportation-Enhanced statewide travel demand model to evaluate travel impacts of closures and delays resulting from severe storm events. Model uses innovate Monte Carlo simulations process to account for combinations of failures.

California Air Resources Board – Led team including the University of California in $250k project that reviewed the ability of the new generation of regional activity-based models and land use models to accurately account for greenhouse gas emissions from alternative scenarios including more compact walkable land use and roadway pricing. This work included hands-on testing of the most complex travel demand models in use in the U.S. today.

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – led extensive public visioning project as part of MPO's long-range transportation plan update.

Flagstaff Metropolitan Planning Organization – Implemented walk, transit and bike models within regional travel demand model. The bike model includes skimming bike networks including on-road and off-road bicycle facilities with a bike level of service established for each segment.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced

A-29

8

model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives including congestion pricing and other peak shifting strategies.

Municipal Planning

City of Grand Rapids – Michigan Street Corridor – developed peak period subarea model including non-motorized trips based on urban form. Model is being used to develop traffic volumes for several alternatives that are being additional analyzed using the City's Synchro model

City of Omaha - Modified regional travel demand model to properly account for non-motorized trips, transit trips and shorter auto trips that would result from more compact mixed-use development. Scenarios with different roadway, transit, and land use alternatives were modeled.

City of Dublin (Columbus region) – Modified regional travel demand model to properly account for non-motorized trips and shorter auto trips that would result from more compact mixed-use development. The model was applied in analyses for a new downtown to be constructed in the Bridge Street corridor on both sides of an historic village center.

City of Portland, Maine – Implemented model improvements that better account for non-motorized trips and interactions between land use and transportation and applied the enhanced model to two subarea studies.

City of Honolulu – Kaka'ako Transit Oriented Development (TOD) – applied regional travel demand model in estimating impacts of proposed TOD including estimating internal trip capture.

City of Burlington (Vermont) Transportation Plan – Led team that developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

A-29
(CONT.)

Transit Planning

Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluated alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

Roadway Corridor Planning

I-30 Little Rock Arkansas – Developed enhanced version of regional travel demand model that integrates TransCAD with open source Dynamic Traffic Assignment (DTA) software, and used to model I-30 alternatives. Freeway bottlenecks are modeled much more accurately than in the base TransCAD model.

9

South Evacuation Lifeline (SELL) – In work for the South Carolina Coastal Conservation League, used Dynamic Travel Assignment (DTA) to estimate evaluation times with different transportation alternatives in coastal South Caroline including a new proposed freeway.

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

PUBLICATIONS AND PRESENTATIONS (partial list)

DTA Love: Co-leader of workshop on Dynamic Traffic Assignment at the June 2019 Transportation Research Board Planning Applications Conference.

Forecasting the Impossible: The Status Quo of Estimating Traffic Flows with Static Traffic Assignment and the Future of Dynamic Traffic Assignment. *Research in Transportation Business and Management* 2018.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the August 2018 Transportation Research Board Tools of the Trade Conference on Transportation Planning for Small and Medium Sized Communities.

Vermont Statewide Resilience Modeling. With Joseph Segale, James Sullivan and Roy Schiff. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Pre-Destination Choice Walk Mode Choice Modeling. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

A Statistical Model of Regional Traffic Congestion in the United States, presented at the 2016 Annual Meeting of the Transportation Research Board.

MEMBERSHIPS/AFFILIATIONS

Associate Member, Transportation Research Board (TRB)

Member and Co-Leader Project for Transportation Modeling Reform, Congress for the New Urbanism (CNU)

A-29
(CONT.)

10

Responses to Comment A

Adams Broadwell Joseph & Cardozo on behalf of Californians Allied for a Responsible Economy dated October 5, 2023.

A-1 This comment consists of introductory remarks and identifies that the comments on the Draft EIR are being provided by Adams Broadwell Joseph & Cardozo on behalf of the Californians Allied for a Responsible Economy (CARECA) and provides a summary of the Project. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

A-2 This comment introduces the comment's supporting documents drafted by Norm Mashall, and asserts that the Draft EIR fails to fails to comply with the requirements of CEQA, adequately analyze the Project's cumulative impacts, proposed feasible and enforceable mitigation measures, underestimates potentially significant air quality, greenhouse gas (GHG) emissions, and energy impacts, fails to identify specific and effective mitigation measure to reduce the Project's significant Vehicle Miles Traveled (VMT) impacts, and underestimates VMT and GHG emissions. As described in the following responses, the commenter's assertions are incorrect. Refer to Response to Comments A-6 to A-28.

A-3 The comment includes a statement of interest describing CARECA's organization, role, members, and purposes. The statement of interest is noted. We note from this comment that the "coalition" is comprised of various labor unions, whose primary interest is securing jobs through a project labor agreement. Employment and business concerns raised in this comment do not raise any associated environmental issues and are therefore not within the purview of CEQA; however, this comment will be provided to the City's decision makers for their review and consideration of the Project as a whole. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

A-4 This comment interprets and provides a summary of CEQA requirements from the Guidelines and case law. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required. The comment incorrectly states that the Draft EIR does not satisfy CEQA's purpose to disclose significant environmental effects and avoid or reduce environmental impacts. This comment does not provide evidence that the Draft EIR does not meet the requirements of CEQA and thus no further response is required.

A-5 The commenter incorrectly asserts that the Draft EIR does not include an accurate and complete Project Description and summarizes CEQA requirements and case law related to describing a project. The comment generally criticizes the Draft EIR, is unsupported and does not identify any specific concerns or provide evidence that the Project Description is incomplete. The City agrees with the commenter that a Project Description must be "accurate, stable, and finite," which is exactly what is provided in the Draft EIR. Response to Comments A-6 through A-9, below, address specific comments related to the Project Description and demonstrate that the

Draft EIR includes an accurate and complete Project Description that adequately meets CEQA requirements.

A-6 The commenter first summarizes the trip generation assumptions used for the Project and provides a graph depicting trip generations rates for different warehouse categories. The commenter then asserts that the Draft EIR fails to address why other land use codes from the Institute of Transportation Engineers (ITE) Trip Generation Manual were inapplicable to the Project, that the land use code used for the Draft EIR underestimated the Project's GHG and VMT impacts, and that the Draft EIR should be revised by applying a significantly higher and more conservative trip generation rate, or requests as a condition of approval that trip generation will not exceed the number assumed in the Draft EIR.

Urban Crossroads, a firm of professional traffic consultants and transportation engineers, was the author of the Project's traffic study and the study was reviewed and independently accepted by the City for accuracy. Urban Crossroads considered a number of different ITE rates for various industrial land use categories, taking into consideration the proposed building size and orientation to determine an ITE rate that would be conservative, but realistic when considering potential future tenants. The Project is a proposed 270,377 square foot warehouse building that has been evaluated assuming 27,034 square feet of high-cube cold storage use (10% of the total square footage) and 243,303 square feet of warehousing use (90% of the total square footage).

The following land uses were considered but not evaluated as the descriptions did not fit the Project's description, size, or anticipated future tenant/use. The ITE General Light Industrial (ITE 110) land use category identifies an average of approximately 80,000 square feet or less for the sites surveyed and used to determine the weekday daily and peak hour of the adjacent street traffic trip generation rates. (Note: the peak hour of the adjacent street traffic refers to the traffic generated during the peak hours of 7-9 AM and 4-6 PM which are the peak commute periods.) Similarly, the ITE Manufacturing (ITE 140) land use category identifies an average of 130,000 to 200,000 square feet for the site surveyed and is used to determine the weekday daily and peak hour of the adjacent street traffic trip generation rates. The General Light Industrial and Manufacturing land use categories are not suitable for the Project as the average building square footage is much smaller than that being proposed for the Project at 230,377 square feet.

The High-Cube Fulfillment Center Warehouse land use category has two sub-categories in ITE: Non-Sort Facility and Sort Facility. The Non-Sort facilities are defined as those warehouses that ship large-boxed items and primarily use automation (as opposed to manual means). The Sort facilities are defined as those that ship out smaller goods/items, which require extensive sorting (manual means). The average size of the sites surveyed for the High-Cube Fulfillment Center Warehouse – Non-Sort land use category range between 780,000 to 820,000 square feet while the Sort land use category identifies an average square footage in excess of 1,300,000 square feet. In addition, the trip generation for the High-Cube Fulfillment Center Warehouse land use category is very low for truck trip generation, with the majority of trips being attributable to passenger cars/employee trips. The Project applicant is not proposing and

the Project's design would not support a high-cube (sort) fulfillment center or high-cube parcel hub user and the layout of the site with 251 parking spaces would not reasonably accommodate the on-site parking required to support these uses. The daily trip generation for these uses would range between 1,096 and 1,690 daily trips for the same 270,377 square feet of development, which is not feasible considering the design functionality of the site.

Although the Project's anticipated use and size most closely aligns with the ITE Warehousing land use category, a mix with the High-Cube Cold Storage Warehouse rate was selected because the overall daily trip rate would be more conservative (higher) as compared to the ITE Warehousing rate and would account for refrigerated vehicles for the purposes of other technical studies (air quality, health risk assessment, greenhouse gas, etc.) in the event that up to 10% of the building was used for a cold storage purpose. The Project (warehousing use) evaluates the trip generation based on a mix of the Warehousing (ITE 150) and High-Cube Cold Storage (ITE 157) rates which is a reasonable and conservative representation of the mix of potential uses for the Project. Thus, the City's experts disagree with the commenter. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

A-7 The commenter asserts that the Draft EIR's assumption for 10% of high-cube cold storage uses is subject to fluctuate during the life of the Project and is not otherwise reflected in any enforceable conditions related to Project use. The commenter further asserts that the Draft EIR would need to include binding measures or conditions which limit warehouse use at the Project to no more than 10% cold storage. In response to this comment, the City has added a condition of approval to the Project to limit cold storage use to no more than 27,034 square feet or a comparable amount of cold storage square footage that produces no greater adverse environmental effects than those disclosed in the EIR unless further studied under CEQA. If more than 27,034 square feet of cold storage square footage is proposed and analyzed and would produce greater adverse environmental effects than those disclosed in the EIR, an amendment to the Project approvals would be required, which would be subject to additional CEQA review.

A-8 The commenter states that cold storage warehouse generates greater environmental impacts than a high cube warehouse and opines that the Draft EIR may have underestimated the Project's air quality and GHG impacts by assuming that only 10% of the building space could include high-cube cold storage uses. As stated in Section 3.0, *Project Description*, of the Draft EIR, because the user(s) is speculative and some building users require small amounts of warehouse space to be temperature controlled, for purposes of analysis within the Draft EIR it is reasonably assumed that the building would include approximately 27,034 s.f. of high-cube cold storage uses (approximately 10% of the building space), with remaining portions of the building consisting of warehouse uses. This reasonable estimate is based on the Project Applicant's understanding of the cold storage space market demand in the Inland Empire for buildings in the Project's size range, which tend to have small cold storage needs for perishable products such as nutritional supplements, flowers and plants, medicines, candles, cosmetics, organic textiles, and specialized products, should the building user need to store these types of

products. (Refer to Draft EIR p. 3-13) Thus, no additions, revisions, or corrections to the Draft EIR are necessary and no further response is required. Regardless, in response to this comment, the City has added a condition of approval to the Project to limit cold storage use to no more than 27,034 square feet or a comparable amount of cold storage square footage that produces no greater adverse environmental effects than those disclosed in the EIR.

A-9 The commenter states a recommendation from the California Attorney General's guidance for warehouse projects that, unless a developer adopts mitigation measures limiting cold storage impacts, the developer should record a covenant on the title of the underlying property to ensuring that the property cannot be used to provide refrigerated warehouse space. The commenter further states that the City should include such a title restriction for the Project unless the Draft EIR's 10% cold storage assumption is revised to analyze and mitigate impacts associated with a more conservative and fact-based cold-storage use percentage. In response to this comment, the City has added a condition of approval to the Project to limit cold storage use to no more than 27,034 square feet or a comparable amount of cold storage square footage that produces no greater adverse environmental effects than those disclosed in the EIR.

A-10 The commenter asserts that the Draft EIR fails to disclose potential backup/emergency stationary generator use for the Project operations. The commenter cites *East Oakland Stadium Alliance v. City of Oakland* for the proposition that "if the annual need for emergency generator use is reasonably foreseeable, the EIR was not entitled to disregard such use merely because it would occur at unpredictable times" and further states that back-up generators are a reasonably foreseeable consequence of the Project due to increasingly common Public Safety Power Shutoff (PSPS) events and extreme heat events that had been occurring in 2019 in the Bay area and Los Angeles County. The commenter further states the omission of a generator system results in an underestimation of the Project's air quality, greenhouse gas, and health risk impacts.

According to the latest data from the California Public Safety Power Shutoff Interactive Map, the census tract containing the Project Site (Census Tract 6071012700) is not subjected to PSPS events with a zero frequency of PSPS outages annually.[1] However, in an event that emergency generators are used for Project operations, the generators would only be used in emergency power failure or for routine testing and maintenance. Such intermittent use would not result in a substantial or measurable amount of emissions, since by the very nature of the activity, it would be short-term, intermittent, and infrequent. Assuming the Project would utilize a 197 horsepower (hp) diesel-powered emergency water pump and a 762 hp diesel-powered emergency backup generator, calculations were performed by Urban Crossroads. For analytical purposes, it is anticipated that the fire pump and emergency generator would each operate for a maximum time of 0.5 hour per day and 26 hours per year for maintenance and testing purposes. As shown in the table below, if the Project operations would require the use of an emergency water pump and generator, emissions would be negligible and less than South Coast

[1] https://www.psehealthyenergy.org/our-work/interactive-tools/california-public-safety-power-shutoff-interactive-map/#frequency

Air Quality Management District (SCAQMD) regional thresholds. Therefore, the Draft EIR adequately estimates the Project's air quality, greenhouse gas, and health risk impacts and the City's experts disagree with the commenter. No revisions to the Draft EIR is required.

Emergency Water Pump and Backup Generator Emissions	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_x	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	0.79	3.25	2.00	0.00	0.11	0.11
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Source: Urban Crossroads, December 20, 2023.

A-11 The commenter states the requirements from CEQA Guidelines Section 15064(b) and case laws regarding agencies committing to all feasible mitigation measures to reduce significant environmental impacts. The comment incorrectly states that the Draft EIR fails to disclose, analyze, and mitigate significant environmental effects. This comment does not provide evidence that the Draft EIR does not meet the requirements of CEQA. As described in the following responses, the commenter's assertion is incorrect. Refer to Response to Comment A-12 to A-20. Thus, no further response is required.

A-12 The commenter states the requirements from CEQA Guidelines Sections 15130(a), 15065(a)(3), and 15355(b) regarding cumulative impacts and the importance of a proper cumulative impacts analysis. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

A-13 The commenter first states the requirements from CEQA Guidelines Sections 15130(b) regarding methods for satisfying the cumulative impacts analysis requirement. The commenter then cites part of Section 4.1.2, *Scope Of Cumulative Effects Analysis*, in the Draft EIR and further asserts that the Draft EIR fails to provide a list of cumulative projects and that the Draft EIR's air quality, greenhouse gas, and noise analyses should be revised to include consideration of cumulative projects. The Draft EIR relies on a summary of projections approach. Text stating that a combined approach was used for the evaluation of transportation, air quality, GHG, and noise impacts has been stricken in the Final EIR. This minor clarification of the approach in Section 4.1.2 of the Draft EIR does not change any of the analysis methodologies or conclusions drawn in the Draft EIR or its supporting technical studies and recirculation of the Draft EIR is not required pursuant to State CEQA Guidelines Section 15088.5.

A-14 The commenter asserts that the Draft EIR fails to adequately analyze the Project's cumulative air quality emissions, claiming that the South Coast Air Quality Management District (SCAQMD)'s approach is outdated. Commenter is advised that the SCAQMD is the regulatory authority on air quality charged with the responsibility of ensuring the improvement of air quality in the South Coast Air Basin. The SCAQMD's published approach for the analysis of cumulative air quality effects is reliable and has in fact "worked" to improve air quality as shown in the air quality improvement trend discussion included in Draft EIR Section 4.2.1.E,

"Regional Air Quality Improvement." Further, the SCAQMD has adopted and is enforcing Rule 2305 (Warehouse Indirect Source Rule) (DEIR p. 4.2-20) that requires all operators of warehouses having 100,000 square feet of indoor floor space or more to implement measures that reduce nitrogen oxides and particulate matter emissions and/or pay a fee to fund programs to improve regional air quality.

The Draft EIR and underlying technical studies were prepared in a matter consistent to the SCAQMD recommendation for determining cumulative impacts. The SCAQMD published a report on how to address cumulative impacts from air pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution.* In this report SCAQMD states (Page D-3):

> "…the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.
>
> Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."

Based on the Draft EIR and underlying technical studies the Project does not result in a cumulatively considerable impact with respect to air quality or greenhouse gas emissions. The City's experts disagree with the commenter and no revisions to the Draft EIR are required.

A-15 The commenter further asserts that the SCAQMD's approach used in the Draft EIR also directly conflicts with the Attorney's General recent guidance document setting forth best practices for evaluating the environmental impacts of warehouse projects like this one under CEQA. Refer to Response to Comment A-14 above regarding the Project's methodology in determining cumulative air quality impacts, which follows SCAQMD directives. The City's experts disagree with the commenter and no further response is required.

A-16 The commenter asserts that the Draft EIR's analysis of cumulative health risks is flawed for the same reason as the air quality analysis and that Draft EIR's approach of using a project-level analysis as a substitute for a cumulative impacts analysis fails to address that the Project would be impacting a community already bearing a high pollution burden. Contrary to the

commenter's assertions, the Project site is primarily surrounded by industrial uses. The residential land use with the greatest potential exposure to Project operational source emissions is located approximately 8,840 feet (1.67 miles) northwest of the Project site on the opposite side of I-15 and I-10. The nearest school is located 11,200 feet (2.12 miles) away from the Project site. The commenter provides no evidence to support its claim that the Project, which is converting an already developed industrial site in an industrial area of the City, to a contemporary industrial use, would in any way have a significant adverse effect to sensitive receptors located more than 1.6 away from the Project site. Refer to Response to Comment A-14 above regarding the Project's methodology in determining cumulative air quality impacts. Thus, the City's experts disagree with the commenter and no further response is required.

A-17 The commenter incorrectly asserts that the Project's operational health risk assessment is flawed because it omits analysis of Transportation Refrigeration Units (TRUs). The TRU emission assumptions used in the Project's Air Quality Impact Analysis (*Technical Appendix B1* to the Draft EIR) are the same assumptions used in the Project's Health Risk Assessment (*Technical Appendix B2* to the Draft EIR) as shown in *Technical Appendix B2* Table 2-4, *DPM Emissions From Project Trucks (2024 Analysis Year)*, under the daily truck emissions column. Therefore, the Draft EIR adequately estimates the Project's operational health risk impacts, which includes the analysis of TRUs and the City's experts disagree with the commenter. No revisions to the Draft EIR are required.

A-18 The commenter states that there is a potential underestimation of emissions due to imprecise assumptions for truck trip lengths and trip rates in emissions analysis and that the analysis understated the travel distance for trucks traveling from the ports to the Project Site and should apply a more conservative trip length of 60 miles for Port-related trips. The commenter fails to provide any evidentiary basis for the arbitrary number of 60 miles it suggests using. In fact, these recommendations are in direct opposition of the SCAQMD's recommended truck travel distance for warehousing projects within its jurisdiction (based on SCAG regional travel demand data).

As noted in the Project's Air Quality Impact Analysis (*Technical Appendix B1* to the Draft EIR), the air quality analysis utilized the average trip length for light-heavy (15.3-miles), medium-heavy (14.2-miles) and heavy-heavy trucks (39.9-miles) which is based on SCAQMD's recommendations outlined in their implementation of the Warehouse Actions and Investments to Reduce Emissions (WAIRE) adopted in 2021. The 30.58- and 28.62-mile trip lengths were derived by weighting the average trip lengths using traffic trip percentages. The commenter's recommended trip lengths are not supported by any substantial evidence provided by the SCAQMD and contradicts published material from SCAQMD that was utilized in the underlying analysis. The City's experts disagree with the commenter. Thus, no additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

A-19 The commenter asserts that the Draft EIR underestimates lengths of passenger trips generated by the Project. The commenter appears to conflate the VMT per worker metric with the trip lengths that were utilized in the underlying AQ/GHG modeling. The commenter is reminded

that the VMT per worker metric is not a trip length and only represents a portion of the trip length assigned to the worker trips. As such, use of CalEEMod for worker trip lengths is appropriate and the City's experts disagree with the commenter. No additions, revisions, or corrections to the Draft EIR are necessary.

A-20 The commenter summarizes the Project's significant and unavoidable VMT impacts and asserts that mitigation measure MM 4.10-1 fails to meet CEQA's standard for mitigation. This comment is thoroughly addressed below in Response to Comments A-24 through A-26. As described in the following responses, the commenter's assertion is incorrect. Thus, no further response is required.

A-21 The commenter provides a conclusionary statement, which does not present any additional information not covered in the previous comments. Thus, no additional response is required.

A-22 This comment consists of introductory remarks and summarize the findings of the commenter stating that the Draft EIR acknowledges a significant and unavoidable VMT impact, the commenter's assertion that the proposed VMT mitigation measure is not fully specified or quantified, and the Project's trip generation and GHG emissions could be much higher than assumed. As described in previous and following responses, the commenter's assertions are incorrect. Refer to Response to Comments A-6 to A-28. Thus, no further response is required.

A-23 This comment provides a general summary of the Project's significant and unavoidable VMT impact as provided in the Draft EIR. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

A-24 The commenter states the City's VMT Resolution, which reiterates Policy M-1.2 under the TOP 2050 to require development to mitigate its traffic impacts and summarizes the Project's VMT impacts and mitigation measure MM 4.10-1. The commenter then asserts that the language used in mitigation measure MM 4.10-1 is ambiguous and questions which measures will be implemented. In response to the commenter's assertions, a supplemental VMT mitigation assessment has been prepared for the Project to evaluate further potential trip reduction measures under the California Air Pollution Control Officers Association (CAPCOA)'s Handbook (*Attachment B to this Final EIR*). As stated under the supplemental VMT mitigation assessment, when considering which transportation measures are applicable from the Handbook, factors such as project type, scale and locational context are each important considerations for determining measure applicability. Based on these factors, measures associated with commute trip reduction (CTR) programs and their related commute trip reduction strategies have been excluded as they are not quantifiable, nor can their implementation be guaranteed and enforced since the Project is proposed to be developed as a speculative building without a known tenant. However, the proposed Project does have the ability to provide design features that would promote non-motorized transportation alternatives such as measure T-10 End-of-Trip Bicycle Facilities. The Project is required to include building elements for bicycle trip end facilities (i.e., parking) for commuters that choose to bicycle as a mode of travel. This will promote an alternative mode choice of commuting for

employees. As calculated, the Project will reduce VMT by 0.1%. As discussed in Section 4.10, *Transportation*, of the Draft EIR, the Project was found to exceed the City's adopted VMT impact threshold by 22.6% under baseline conditions, while the horizon year buildout condition would exceed the impact threshold by 28.5% (refer to Draft EIR pp. 4.10-11 to 4.10-14) Therefore, with the inclusion of feasible VMT reduction measures, the Project is not able to reduce project generated VMT to a level of less than significant.

A-25 The commenter states that the difference between voluntary and mandatory Commuter Trip Reduction ("CTR") programs listed under the CAPCOA's Handbook and the Project site's existing transit and bicycle facilities setting as stated under the Draft EIR. Refer to Response to Comment A-24 regarding the feasibility of measures under the CAPCOA's Handbook. Thus, no further response is required.

A-26 The commenter states that the benefits for ridesharing and vanpooling to VMT reductions and that achieving significant VMT mitigation for this Project may be impossible – but mitigation must be fully specified and quantified for the Project to be properly evaluated. Refer to Response to Comment A-24 regarding the feasibility of measures under the CAPCOA's Handbook and the Project's supplemental VMT mitigation assessment (*Attachment B* to this Final EIR) for the quantification of reduction for the potential measures. Thus, no further response is required.

A-27 The commenter summarizes the trip generation assumptions used in the Draft EIR and provides a graph depicting trip generations rates for different warehouse categories. The commenter then asserts that that the Draft EIR should be revised by applying a significantly higher and more conservative trip generation rate, or requests as a condition of approval that trip generation will not exceed the number assumed in the Draft EIR. Refer to Response to Comment A-6 regarding the applicability of different ITE land use codes to the Project. The most appropriate and reasonable ITE land use codes were applied in the Project's analyses. It would not be necessary or appropriate, nor does the City have the capacity to enforce the counting of vehicles traveling to and from the Project site, nor would any environmental improvements be achieved from such an exercise. Further, the SCAQMD has adopted and is enforcing Rule 2305 (Warehouse Indirect Source Rule) (refer to Draft EIR p. 4.2-20) that will require the warehouse operator to implement measures that reduce nitrogen oxides and particulate matter emissions and/or pay a fee to fund programs to improve regional air quality. Thus, no further response is required.

A-28 The comment states that there is a potential underestimation of GHG emissions due to underestimation of trip generation and truck trip distance. Refer to Response to Comments A-18 and A-19 regarding the Project's truck trip lengths and passenger trips. The City's experts disagree, and thus, no further response is required.

A-29 This comment provides the resume of Mr. Marshall. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

COMMENT LETTER B

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October 4, 2023

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VIA EMAIL TO:
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SUBJECT: COMMENTS ON 5355 EAST AIRPORT DRIVE EIR (SCH NO. 2022090006)

Dear Mr. Grahn,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed 5355 East Airport Drive Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. B-1

1.0 Summary

The project proposes to demolish all existing onsite structures to accommodate the construction and operation of a warehouse building with approximately 270,337 square feet (s.f.) of building floor area, including 255,337 s.f. of warehouse area and 15,000 s.f. of mezzanine area on an approximately 13 acre site. For purposes of environmental analysis within the EIR, it is assumed that the building would include approximately 27,034 s.f. of high-cube cold storage uses (10% of the building space) and the remainder of the building area would be used for dry, non-refrigerated warehousing. B-2

1.2 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The proposed project is a piecemealed portion of a larger overall project to be developed within the B-3

City by the project applicant, Prologis, including at least one other known project identified as PDEV22-010 & PMTT22-008: East State Street Warehouse Project[1] (336,761 square foot warehouse). The MND for PDEV22-010 was published on December 22, 2022. The Notice of Preparation for the proposed project's EIR was published on September 1, 2022. This indicates that the Lead Agency was aware of both projects and processed them simultaneously but separately under CEQA.

B-3 (CONT.)

CEQA Section 15161 describes project EIRs as examining "the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The specific development project is the construction and operation of all Prologis buildings as a whole, including at minimum PDEV22-010 & PMTT22-008: East State Street Warehouse Project.

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR "will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." Because there are at least two developments as part of a single construction project, the project EIR must be more detailed in the specific effects of the project.

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining "the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The specific development project is the construction and operation of both the proposed project and PDEV22-010. Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR "will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." Because there are two proposed buildings as part of a single construction project, the project EIR must be more detailed in the specific effects of the project. The EIR must be revised to comply

B-4

[1] https://ceqanet.opr.ca.gov/2022120581

with CEQA § 15161 by preparing a Project EIR to adequately and accurately disclose the project-specific and cumulative impacts of all Prologis projects.

B-4 (CONT.)

3.0 Project Description

The EIR provides misleading information regarding project grading. The EIR states that "Based on the Project's preliminary grading plan depicted in Figure 3-8, Proposed Grading Plan - West, and Figure 3-9, Proposed Grading Plan – East, the Project's grading operation *would result in 9,000 more cubic yards of cut than fill*, but final earthwork quantities are subject to final civil engineering design and after final engineering, *the earthwork is expected to balance with no import or export of earth material required*." The EIR has provided evidence that 9,000 cy of export is required and simultaneously provides an unsupported claim that the earthwork will balance onsite, pending calculations to be provided after the CEQA public review process. There is no method for the public to verify the claim that the earthwork will balance onsite. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to remove the misleading statement that earthwork will balance onsite due to Figure 3-8 and Figure 3-9 depicting 9,000 cy of exported material is required to construct the proposed project and ensure that all portions of environmental analysis utilize the fact that 9,000 cy of export is required.

B-5

4.2 Air Quality, 4.4 Energy, and 4.6 Greenhouse Gas Emissions

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

B-6

The EIR does not include meaningful analysis of relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[2], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071012700) is highly burdened by pollution. The EIR includes a summary of Calenviroscreen rankings and states that the proposed project is a Disadvantaged Community, but does not utilize this information meaningfully in its analysis. The surrounding community bears the impact of multiple sources of pollution and is more polluted than other census tracts in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden, 96th percentile for particulate matter (PM) 2.5 burden, 97th percentile for diesel PM burden, and 89th percentile for traffic burdens. All of these environmental factors are attributed

B-7

[2] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[3]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[4]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[5].

The census tract also ranks in the 70th percentile for solid waste facility impacts and 79th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilites are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[6]. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[7].

The census tract ranks in the 93rd percentile for contaminated drinking water. Poor communities are exposed to contaminants in their drinking water more often than people in other parts of the state[8]. The census tract ranks in the 79th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[9].

Further, the census tract is a diverse community including 60% Hispanic, 5% African-American, and 6% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 40% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 67th percentile for incidence of cardiovascular disease and 47th percentile for incidence of asthma.

B-7
(CONT.)

[3] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[4] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[5] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[6] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities
[7] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[8] OEHHA Contaminated Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[9] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities

Additionally, the project's census tract (6071012700) and the census tracts adjacent to the project site (6071002204 (east), 6071002207 (north), 6065040607 (south), and 6071001600 (west)) are identified as SB 535 Disadvantaged Communities[10], which is not meaningfully discussed or presented for analysis in the EIR. This indicates that cumulative impacts of development and environmental impacts in the City and surrounding area are disproportionately impacting these communities. The EIR provides a brief statement that the project site is located in a Disadvantaged Community. However, it does not utilize this information in its analysis. The negative environmental, health, and quality of life impacts of industrial development in the City have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

B-7 (CONT.)

California's Building Energy Code Compliance Software (CBECC) is the State's only approved energy compliance modeling software for non-residential buildings in compliance with Title 24[11]. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using the approved software (CBECC) must be circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not the approved software.

B-8

4.10 Transportation

Table 5: Trip Generation Comparison within Appendix K: Trip Generation Assessment provides trip generation reduction credits for existing uses. Notably, the Trip Counts were taken on March 1, 2, and 3, 2022, six months prior to the issuance of the NOP for the EIR on September 1, 2022. Utilizing trip counts prior to the date established and utilized for the Environmental Setting does not provide the most accurate picture practically possible of the project's impacts pursuant to CEQA Section 15125. Prologis acquired the project site in approximately 2016. Knowing that redevelopment was imminent, the project applicant requested vehicle trip counts be recorded at the project site very early on in the process (March 2022) in order to create artificially inflated trip reduction credits that do not match the Environmental Setting. By April 2023, tenant Verhoeven

B-9

[10] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[11] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

Grain filed with the Secretary of State that their principal business address had moved to Hanford, CA[12]. Notably this filling aligned with the company's required annual reporting date and it is highly likely that the date of the company closing operations at the proposed project site aligns with September 2022, rendering the Environmental Setting within the EIR inaccurate. The existing conditions of the site in September 2022 likely generated significantly lower VMT and significantly lower vehicle trips due to the existing site conditions.

Utilizing traffic counts that pre-date the physical conditions at the site in September 2022 serves to artificially reduce the project's significant environmental impacts by observing the businesses onsite as fully operational. The EIR has not provided meaningful evidence, such as business license records to demonstrate that the buildings onsite were occupied and operational at that time. The EIR must be revised to clarify the Environmental Setting and remove trip reduction credits given for traffic counts that pre-date the physical conditions at the site in September 2022.

B-9 (CONT.)

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. Notably, the truck/trailer parking stalls and an outdoor storage area are adjacent to the south of truck/trailer loading docks on the building. These parking stalls and outdoor storage area may be in use at any time and further restrict truck/trailer movement on the site. The EIR also states that, "The City of Ontario Engineering Department reviewed the Project's application materials and determined that no hazardous transportation design features would be introduced within the City public right-of-way through implementation of the Project." However, the City's determination/review of the project is not included for public review. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the City's determination/review of the project contribute directly to analysis of the problem at hand. A revised EIR must be prepared to include the City's determination/review of the project for review, analysis, and comment by the public and decision makers.

B-10

The EIR also states that, "at the time of final grading, landscape, and street improvement plans, the City will review project access points to ensure adequate sight distance," which is deferred mitigation to after the CEQA public review process. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation, deferred

B-11

[12] Verhoeven Grain Statement of Information April 2023
https://bizfileonline.sos.ca.gov/api/report/GetImageByNum/181123177111106114109212172063229254105192147110

mitigation, and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

B-11 (CONT.)

Table 4.10-4: SCAG's Connect SoCal Goal Consistency Analysis provides a misleading and erroneous consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's conclusion the project will result in significant and unavoidable impacts to Transportation (VMT), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include a finding of significance due to these direct inconsistencies with SCAG's 2020-2045 Connect SoCal RTP/SCS.

B-12

5.2 Significant Irreversible Environmental Changes Which Would Be Caused By The Project Should It Be Implemented and 5.3 Growth Inducing Impacts

The EIR relies upon erroneous Energy modeling to determine that the project will meet sustainability requirements. As noted above, the EIR did not model the project's energy consumption in compliance with Title 24 modeling software. Further, the EIR states here that "the Project is required by law to comply with the California Building Standards Code which would minimize the Project's demand for nonrenewable resources," which is not relevant to the proposed project and its own contribution to significant irreversible environmental changes. The EIR must be revised to include a finding of significance due to an inaccurate and erroneous analysis regarding the project's Air Quality, Greenhouse Gas, and Energy impacts.

B-13

The EIR does not discuss the project's significant and unavoidable Transportation (VMT) impacts and thus the project's inability to comply with SB 743, which was adopted with legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. The EIR must be revised to include a finding of significance due to the project's significant and unavoidable Transportation (VMT) impacts and direct contribution to climate change.

B-14

The EIR utilizes uncertain and misleading language to support its conclusion that the project will not have growth inducing impacts. The EIR states that "it is *anticipated* that most of the Project's future employees would already be living in the City of Ontario *or the larger Inland Empire area*, the Project's introduction of employment opportunities on the Project Site would not induce substantial growth in the area." The proposed project will rely on the entire labor force within the

B-15

Inland Empire region to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances.

B-15 (CONT.)

The EIR has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, the proposed project's 270,337 square feet and piecemealed project PDEV22-010 (336,761 square feet) totals 607,098 square feet, representing 0.33% of the General Plan buildout for this land use designation, which is significant to be attributed to only two recent projects. Further, other recent industrial projects such as PDEV21-003[13] (23,100 square foot industrial building), PDEV21-007[14] (808,639 sf of industrial buildings), PDEV21-010[15] (1,438,926 sf industrial building), PDEV21-016[16] (38,445 sf industrial building), PDEV21-018[17] (168,772 sf of industrial buildings), PDEV21-020[18] (50,121 sf industrial building), PDEV21-024[19] (198,496 sf industrial building), PDEV21-026[20] (45,000 sf industrial building), PDEV21-028[21] (32,425 sf industrial building), PDEV21-029[22] (15,132 sf industrial building), PDEV21-030[23] (175,047 sf industrial building), PDEV21-031[24] (38,155 sf industrial building), PDEV21-034[25] (32,000 sf industrial building), PDEV21-035[26]

B-16

[13] Ontario Monthly Application Activity February 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Monthly-Activity-Reports/2021/02-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[14] Ibid.
[15] Ontario Monthly Application Activity March 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Monthly-Activity-Reports/2021/03-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[16] Ontario Monthly Application Activity April 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/04-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[17] Ontario Monthly Application Activity May 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/05-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[18] Ontario Monthly Application Activity June 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/06-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[19] Ontario Monthly Application Activity July 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/07-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[20] Ibid.
[21] Ibid.
[22] Ontario Monthly Application Activity August 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/08-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[23] Ontario Monthly Application Activity September 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/09-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[24] Ibid.
[25] Ibid.
[26] Ontario Monthly Application Activity October 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/10-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

(60,455 sf industrial building), PDEV21-040[27] (1,255,320 sf industrial building), PDEV21-047[28] (4,281,128 sf industrial building), PDEV21-037[29] (167,600 sf industrial building), PDEV22-010 & PMTT22-008: East State Street Warehouse Project[30] (336,761 square foot warehouse), and South Ontario Logistics Center Specific Plan[31] (5,333,518 sf industrial space) combined with the proposed project will cumulatively generate 14,769,377 sf of industrial space, which is approximately 8% of General Plan buildout. The EIR has not demonstrated that the proposed project is within the General Plan buildout scenario, including all cumulative development constructed, approved projects not yet constructed, and "projects in the pipeline." A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.

B-16 (CONT.)

5.4 Effects Found Not To Be Significant During The EIR Scoping Process
5.4.3 Land Use and Planning

The EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

1. Policy ER4-1 Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.

2. Policy ER4-6 Particulate Matter. We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.

3. Policy CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

B-17

[27] Ontario Monthly Application Activity November 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/11-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[28] Ontario Monthly Application Activity December 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/12-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[29] PDEV21-037 https://ceqanet.opr.ca.gov/2022110019
[30] https://ceqanet.opr.ca.gov/2022120581
[31] https://ceqanet.opr.ca.gov/Project/2021010318

4. Policy CE3-1 Fiscal Impact Disclosure. We require requests for City Council action to disclose the full fiscal impacts, including direct and indirect costs.

5. Policy M1-1. Roadways maintain a peak hour Level of Service (LOS) E or better at all intersections.

6. Policy M1-5 Level of Service. Maintain a peak hour Level of Service (LOS) E or better at all intersections. Maintain Level of Service D or better on arterial streets in the City.

7. Policy CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

8. Policy CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner.

9. Goal CE-1. A complete community that provides for all incomes and stages of life.

10. Policy CE-1.2 Jobs and Workforce Skills. We use our economic development resources to: 1. attract jobs suited for the skills and education of current and future City residents.

11. Policy CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

12. Policy CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

13. Policy CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

14. Policy M-1.6 Reduce Vehicle Miles Traveled. We will strive to reduce VMT through a combination of land use, transportation projects, travel demand management strategies, and other trip reduction measures in coordination with development projects and public capital improvement projects.

B-17
(CONT.)

Several project components, including the outdoor storage area fronting Airport Drive in Figure 3-4: Proposed Site Plan and the EIR's determination that the project will result in significant and unavoidable Transportation (VMT) impacts are directly inconsistent with goals and policies listed above and a finding of significance must be made in a revised EIR.

B-17 (CONT.)

The EIR has not provided any information or analysis on the buildout conditions of the General Plan. Table LU-03 Future Buildout Table of the General Plan[32] states that the Industrial land use designation will have a buildout of 183,596,786 total square feet. The proposed project's 270,337 square feet and piecemealed project PDEV22-010 (336,761 square feet) totals 607,098 square feet, representing 0.33% of the General Plan buildout for this land use designation, which is significant to be attributed to only two recent projects. Further, other recent industrial projects such as PDEV21-003[33] (23,100 square foot industrial building), PDEV21-007[34] (808,639 sf of industrial buildings), PDEV21-010[35] (1,438,926 sf industrial building), PDEV21-016[36] (38,445 sf industrial building), PDEV21-018[37] (168,772 sf of industrial buildings), PDEV21-020[38] (50,121 sf industrial building), PDEV21-024[39] (198,496 sf industrial building), PDEV21-026[40] (45,000 sf industrial building), PDEV21-028[41] (32,425 sf industrial building), PDEV21-029[42] (15,132 sf industrial

B-18

[32] Table LU-03 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/The%20Ontario%20Plann/Land%20Use/Figure%20LU-03%20Future%20Buildout%20Table_5.pdf
[33] Ontario Monthly Application Activity February 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Monthly-Activity-Reports/2021/02-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[34] Ibid.
[35] Ontario Monthly Application Activity March 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Monthly-Activity-Reports/2021/03-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[36] Ontario Monthly Application Activity April 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/04-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[37] Ontario Monthly Application Activity May 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/05-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[38] Ontario Monthly Application Activity June 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/06-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[39] Ontario Monthly Application Activity July 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/07-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[40] Ibid.
[41] Ibid.
[42] Ontario Monthly Application Activity August 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/08-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

building), PDEV21-030[43] (175,047 sf industrial building), PDEV21-031[44] (38,155 sf industrial building), PDEV21-034[45] (32,000 sf industrial building), PDEV21-035[46] (60,455 sf industrial building), PDEV21-040[47] (1,255,320 sf industrial building), PDEV21-047[48] (4,281,128 sf industrial building), PDEV21-037[49] (167,600 sf industrial building), PDEV22-010 & PMTT22-008: East State Street Warehouse Project[50] (336,761 square foot warehouse), and South Ontario Logistics Center Specific Plan[51] (5,333,518 sf industrial space) combined with the proposed project will cumulatively generate 14,769,377 sf of industrial space, which is approximately 8% of General Plan buildout. The EIR has not demonstrated that the proposed project is within the General Plan buildout scenario, including all cumulative development constructed, approved projects not yet constructed, and "projects in the pipeline." A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.

B-18 (CONT.)

5.4.5 Population and Housing

The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project's impacts to population and employment generation. The EIR relies upon the 3,200 unemployed persons within Ontario to fill all of its jobs without providing any discussion of the City's unemployed population in terms of qualification for and/or interest in work in the industrial sector. A construction worker employment analysis must also be included to adequately and accurately analyze all potentially significant environmental impacts. In order to comply with CEQA's requirements for meaningful disclosure, a revised EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions.

B-19

[43] Ontario Monthly Application Activity September 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/09-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[44] Ibid.
[45] Ibid.
[46] Ontario Monthly Application Activity October 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/10-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[47] Ontario Monthly Application Activity November 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/11-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[48] Ontario Monthly Application Activity December 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/12-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[49] PDEV21-037 https://ceqanet.opr.ca.gov/2022110019
[50] https://ceqanet.opr.ca.gov/2022120581
[51] https://ceqanet.opr.ca.gov/Project/2021010318

SCAG's 2020-2045 RTP/SCS Connect SoCal Demographics and Growth Forecast[52] notes that Ontario will add 55,400 jobs between 2016 - 2045. The EIR utilizes uncertain and misleading language in stating generally that SCAG anticipates Ontario to employ approximately 169,300 people by 2045, and "therefore the project generated jobs are well within the employment projections for the City." The EIR does not provide any cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed the employment/population growth forecasts by SCAG and/or the General Plan. For example, other recent industrial projects such as PDEV21-003[53] (23,100 square foot industrial building), PDEV21-007[54] (808,639 sf of industrial buildings), PDEV21-010[55] (1,438,926 sf industrial building), PDEV21-016[56] (38,445 sf industrial building), PDEV21-018[57] (168,772 sf of industrial buildings), PDEV21-020[58] (50,121 sf industrial building), PDEV21-024[59] (198,496 sf industrial building), PDEV21-026[60] (45,000 sf industrial building), PDEV21-028[61] (32,425 sf industrial building), PDEV21-029[62] (15,132 sf industrial building), PDEV21-030[63] (175,047 sf industrial building), PDEV21-031[64] (38,155 sf industrial building), PDEV21-034[65] (32,000 sf industrial

B-20

[52] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579
[53] Ontario Monthly Application Activity February 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Monthly-Activity-Reports/2021/02-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[54] Ibid.
[55] Ontario Monthly Application Activity March 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Monthly-Activity-Reports/2021/03-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[56] Ontario Monthly Application Activity April 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/04-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[57] Ontario Monthly Application Activity May 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/05-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[58] Ontario Monthly Application Activity June 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/06-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[59] Ontario Monthly Application Activity July 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/07-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[60] Ibid.
[61] Ibid.
[62] Ontario Monthly Application Activity August 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/08-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[63] Ontario Monthly Application Activity September 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/09-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[64] Ibid.
[65] Ibid.

building), PDEV21-035[66] (60,455 sf industrial building), PDEV21-040[67] (1,255,320 sf industrial building), PDEV21-047[68] (4,281,128 sf industrial building), PDEV21-037[69] (167,600 sf industrial building), PDEV22-010 & PMTT22-008: East State Street Warehouse Project[70] (336,761 square foot warehouse), and South Ontario Logistics Center Specific Plan[71] (5,333,518 sf industrial space) combined with the proposed project will cumulatively generate 14,769,377 sf of industrial space. This is approximately 12,360 employees, which is 22.3% of the City's employment growth forecast over 29 years. This total increases exponentially when other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG and/or the General Plan.

B-20 (CONT.)

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - Reduced Building Area and Reduced Intensity. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative is analyzed. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a mixed-use project that provides affordable housing and local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality.

B-21

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental

B-22

[66] Ontario Monthly Application Activity October 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/10-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[67] Ontario Monthly Application Activity November 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/11-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[68] Ontario Monthly Application Activity December 2021 https://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/12-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf
[69] PDEV21-037 https://ceqanet.opr.ca.gov/2022110019
[70] https://ceqanet.opr.ca.gov/2022120581
[71] https://ceqanet.opr.ca.gov/Project/2021010318

documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

B-22 (CONT.)

Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachment: SWAPE Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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September 29, 2023

Gary Ho
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707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the 5355 East Airport Drive Project (SCH No. 2022090006)

Dear Mr. Ho,

We have reviewed the August 2023 Draft Environmental Impact Report ("DEIR") for the 5355 East Airport Drive Project ("Project") located in the City of Ontario ("City"). The Project proposes to construct a 270,337-square-foot ("SF") warehouse building including 27,034-SF of refrigerated space and 291 parking spaces on the 8.15-acre site.

Our review concludes that the DEIR fails to adequately evaluate the hazards, hazardous materials, air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised EIR should be prepared to adequately assess and mitigate the potential hazards, hazardous materials, air quality, health risk, and greenhouse gas impacts that the project may have on the environment.

B-23

Hazards and Hazardous Materials

Inadequate Disclosure and Analysis of Impacts

The DEIR states with respect to the Hazards and Hazardous Materials section:

> "This information and analysis presented in this Subsection is based in part on the technical study titled Phase I/Phase II Environmental Site Assessment Report (Phase I/II ESA), dated March 31, 2022, that was prepared by Farallon Consulting, L.L.C. (referenced herein as "Farallon") to determine the presence or absence of hazardous materials on the Project Site under existing conditions. The report is provided as *Technical Appendix G* to this EIR," (p. 4.7-1).

B-24

The Hazards and Hazardous Materials section documents tetrachloroethylene (PCE) soil vapor contamination in the vicinity of Building B at concentrations exceeding screening levels. Specifically, the DEIR concludes:

> "Therefore, PCE impacts potentially associated with the use and storage of hazardous materials at Building B could contribute to vapor intrusion conditions on the Project Site and impacts would be potentially significant," (p. 4.7-14).

The DEIR provides the following mitigation measure:

> "MM 4.7-1 Prior to the issuance of a grading permit, the Project Applicant shall prepare a Soil Management Plan (SMP). The SMP shall include explicit instructions for the appropriate handling, storage, and disposal of any known or potentially impacted soil during soil moving activities. The general contractor will be required to follow the requirements of the SMP and stop work to make notification to the environmental team if any potential impacts are observed at any time the environmental team is not already on-site," (p. 4.7-19).

With regard to PCE contamination, MM 4.7-1 states:

> "Soil Monitoring: Soils impacted by PCE that are encountered during site redevelopment will be characterized and documented. The monitoring and sampling activities to be performed include:
>
> - Visual observation performed to detect areas of soil that may be impacted by PCE or other non-VOC hazardous materials, if encountered.
> - Screening for PCEs using field instruments to document new or previously undetected sources of PCEs.
> - Soil sampling and chemical testing performed to evaluate concentrations of PCE," (p. 4.7-20).

B-24 (CONT.)

Provisions in MM 4.7-1 fail to include the following recommendation in the Phase I/Phase II ESA:

> "Additionally, because PCE has been documented in soil vapor in the vicinity of Building B at concentrations exceeding calculated screening levels, and PCE was detected at concentrations in shallow soil vapor less than the calculated RSLs in other soil gas samples collected at the Site, the potential for vapor intrusion issues into the planned new Site building should be addressed. Additional investigation and characterization are recommended to delineate and design mitigation measures for PCE in soil vapor that may impact indoor air in the future building," (Appendix G, p. 11-3).

The DEIR fails to include results of any additional sampling to delineate and design mitigation measures for PCE in the indoor air of the future building as recommended in the Phase I/II. These design measures typically include soil vapor extraction, vapor barriers, and air filtration systems. A revised DEIR should be prepared to include mitigation that documents results of the recommended additional investigation and provides measures to address potential PCE vapor intrusion in indoor air as recommend in the Phase I/II.

B-25

Air Quality

Failure to Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act ("CEQA") typically evaluate air quality impacts and calculate potential criteria air pollutant emissions using the California Emissions Estimator Model ("CalEEMod").[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

According to the DEIR, CalEEMod Version 2022.1 is relied upon to estimate Project emissions (p. 4.2-20). However, this poses a problem, as the currently available version of CalEEMod 2022.1 is described as a "soft release" which fails to provide complete output files.[2] Specifically, the "User Changes to Default Data" table no longer provides the quantitative counterparts to the changes to the default values (see excerpt below) (Appendix B1, pp. 242):

B-26

8. User Changes to Default Data

Screen	Justification
Land Use	Total Project Area is 13.08 acres
Operations: Vehicle Data	Trip rates based on information provided in ITE 11th Edition
Operations: Fleet Mix	Passenger Car Mix estimated based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, & MCY)
Operations: Refrigerants	As of 1 January 2022, new commercial refrigeration equipment may not use refrigerants with a GWP of 150 or greater.

However, previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model's default values (see example excerpt below):

[1] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide.
[2] "CalEEMod California Emissions Estimator Model Soft Release." California Air Pollution Control Officers Association (CAPCOA), 2022, *available at:* https://caleemod.com/.

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	8/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreage	3.67	3.68
tblLandUse	LotAcreage	2.73	2.74

B-26 (CONT.)

The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. To remedy this issue, the DEIR should have provided access to the model's ".JSON" output files, which allow third parties to review the model's revised input parameters.[3] Without access to the complete output files, including the specific numeric changes to the default values, we cannot verify that the DEIR's air modeling and subsequent analysis is an accurate reflection of the proposed Project. As a result, a revised EIR should be prepared to include an updated air quality analysis that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.[4]

Unsubstantiated Input Parameters Used to Estimate Project Emissions

As previously discussed, the DEIR relies on CalEEMod Version 2022.1 to estimate the Project's air quality emissions and fails to provide the complete output files required to adequately evaluate model's analysis (p. 40). Regardless, when reviewing the Project's CalEEMod output files, provided Air Quality Impact Analysis ("AQ Analysis") as Appendix B1 to the DEIR, we were able to identify several model inputs that are inconsistent with information disclosed in the DEIR. As such, the Project's construction and operational emissions may be underestimated. A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

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Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "IE Distribution Center #14 (Construction)" model includes changes to the default construction schedule (see excerpt below) (Appendix B1, pp. 206).

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[3] "Video Tutorials for CalEEMod Version 2022.1." California Air Pollution Control Officers Association (CAPCOA), May 2022, *available at:* https://www.caleemod.com/tutorials.
[4] "CalEEMod Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* http://www.aqmd.gov/caleemod/download-model.

Screen	Justification
Land Use	Total Project Site is 13.08 acres
Construction: Construction Phases	Construction anticipated to end in April 2024
Construction: Off-Road Equipment	Construction equipment based on equipment needed for other industrial projects within the area
Construction: Trips and VMT	Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Demolition, Site Preparation, Grading, and Building Construction
Construction: Architectural Coatings	Rule 1113

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix B1, pp. 195):

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase
Demolition	Demolition	5/2/2023	7/24/2023	5.00	60.0
Site Preparation	Site Preparation	7/25/2023	9/4/2023	5.00	30.0
Grading	Grading	7/25/2023	9/4/2023	5.00	30.0
Building Construction	Building Construction	9/5/2023	4/15/2024	5.00	160
Paving	Paving	2/13/2024	4/15/2024	5.00	45.0
Architectural Coating	Architectural Coating	3/5/2024	4/15/2024	5.00	30.0

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[5] As demonstrated above in the "User Changes to Default Data" table, the justification provided for these changes is:

> "Construction anticipated to end in April 2024" (Appendix B1, pp. 206).

Furthermore, the DEIR provides the following construction schedule (see excerpt below) (p. 3-12, Table 3-1):

Table 3-1 Estimated Construction Schedule

Construction Phase	Duration
Demolition	60 days
Site Preparation & Grading	30 days
Building Construction	160 days
Paving	45 days
Architectural Coating & Landscaping	30 days
Total	**12 months**

However, the changes to the individual construction phase lengths remain unsubstantiated. While the DEIR justifies a total length of Project construction of 12 months, the DEIR fails to provide a source for the individual construction phase lengths outlined in Table 3-1. Until a proper source is provided, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 12 months.[6]

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[5] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.
[6] See Attachment A for proportionately altered construction schedule.

The construction schedule included in the model presents an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[7]

> *Demolition* involves removing buildings or structures.
>
> *Site Preparation* involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> *Grading* involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> *Building Construction* involves the construction of the foundation, structures and buildings.
>
> *Architectural Coating* involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> *Paving* involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

By disproportionately altering and extending some of the individual construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As a result, there will be less construction activities required per day and, consequently, less pollutants emitted per day. Until we are able to verify the revised construction schedule, the model may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance.

B-28 (CONT.)

Unsubstantiated Changes to Architectural Coating Emission Factors

Review of the CalEEMod output files demonstrates that the "IE Distribution Center #14 (Construction)" model includes changes to the default architectural coating emission factors (see excerpt below) (Appendix B1, pp. 206).

Screen	Justification
Land Use	Total Project Site is 13.08 acres
Construction: Construction Phases	Construction anticipated to end in April 2024
Construction: Off-Road Equipment	Construction equipment based on equipment needed for other industrial projects within the area
Construction: Trips and VMT	Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Demolition, Site Preparation, Grading, and Building Construction
Construction: Architectural Coatings	Rule 1113

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As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[8] As demonstrated above in the "User Changes to Default Data" table, the justification provided for these changes is:

[7] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 32.
[8] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

"Rule 1113" (Appendix B1, pp. 206).

However, the reductions to the architectural coating emission factors remain unsubstantiated for two reasons.

First, we cannot verify the accuracy of the revised architectural coating emission factors based on SCAQMD Rule 1113 alone. The SCAQMD Rule 1113 Table of Standards provides the required volatile organic compound ("VOC") limits (grams of VOC per liter of coating) for 57 different coating categories.[9] The VOC limits for each coating varies from a minimum value of 50 g/L to a maximum value of 730 g/L. As such, we cannot verify that SCAQMD Rule 1113 substantiates reductions to the default coating values without more information regarding what category of coating will be used. As the DEIR fails to explicitly require the use of a specific type of coating which would adhere to a specific VOC limit, we are unable to verify the model's revised coating emission factors.

B-29 (CONT.)

Second, as previously discussed, the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Upon further review of the output files, Table 5.5 contains the only mention of architectural coatings (see excerpt below) (Appendix B1, pp. 198):

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	0.00	0.00	415,727	138,576	13,629

As demonstrated above, Table 5.5 only provides the *square footage* of area to be coated. Since the output files fail to demonstrate the architectural coating *emission factors* that the model relies on, we cannot verify that the values included in the model are accurate.

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These unsubstantiated reductions present an issue, as CalEEMod uses the architectural coating emission factors to calculate the Project's VOC emissions.[10] By including unsubstantiated reductions to the default architectural coating emission factors, the model may underestimate the Project's construction-related VOC emissions and should not be relied upon to determine Project significance.

Unsubstantiated Changes to Fleet Mix Values

Review of the CalEEMod output files demonstrates that the "IE Distribution Center #14 (Passenger Car Operations)" and "IE Distribution Center #14 (Truck Operations)" models include changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix B1, pp. 242, 274).

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[9] "SCAQMD Rule 1113 Advisory Notice." SCAQMD, February 2016, *available at:* http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf?sfvrsn=24, p. 1113-14, Table of Standards 1.

[10] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 35, 40.

Screen	Justification
Land Use	Total Project Area is 13.08 acres
Operations: Vehicle Data	Trip rates based on information provided in ITE 11th Edition
Operations: Fleet Mix	Passenger Car Mix estimated based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, & MCY)
Operations: Refrigerants	As of 1 January 2022, new commercial refrigeration equipment may not use refrigerants with a GWP of 150 or greater.

These changes remain unsubstantiated. As previously discussed, the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Upon further review of the output files, changes to fleet mix percentages are not mentioned outside of the "User Changes to Default Data" table. Until the DEIR verifies the breakdown of heavy-heavy duty ("HHD"), medium-heavy duty ("MHD"), light-heavy duty ("LHD1, LDH2"), trucks used by the Project, we cannot verify that the values included in the model are accurate.[11]

These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-road vehicles.[12] By including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

B-31 (CONT.)

Incorrect Application of Tier 4 Interim Mitigation

Review of the CalEEMod output files demonstrates that the "IE Distribution Center #14 (Construction)" model includes changes to the default off-road equipment engine tiers (see excerpt below) (Appendix B1, pp. 206).

Screen	Justification
Land Use	Total Project Site is 13.08 acres
Construction: Construction Phases	Construction anticipated to end in April 2024
Construction: Off-Road Equipment	Construction equipment based on equipment needed for other industrial projects within the area
Construction: Trips and VMT	Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Demolition, Site Preparation, Grading, and Building Construction
Construction: Architectural Coatings	Rule 1113

As a result, the model assumes that the Project's off-road construction equipment fleet would meet Tier 4 interim emissions standards (see excerpt below) (Appendix B1, pp. 196).

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Excavators	Diesel	Tier 4 Interim	3.00	8.00	36.0	0.38
Demolition	Concrete/Industrial Saws	Diesel	Tier 4 Interim	1.00	8.00	33.0	0.73
Site Preparation	Rubber Tired Dozers	Diesel	Tier 4 Interim	3.00	8.00	367	0.40
Grading	Graders	Diesel	Tier 4 Interim	1.00	8.00	148	0.41
Grading	Excavators	Diesel	Tier 4 Interim	2.00	8.00	36.0	0.38
Grading	Scrapers	Diesel	Tier 4 Interim	2.00	8.00	423	0.48
Grading	Rubber Tired Dozers	Diesel	Tier 4 Interim	1.00	8.00	367	0.40

Note: Screenshot does not include all the applicable changes.

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[11] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 38.
[12] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 36.

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[13] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

> "Construction equipment based on equipment needed for other industrial projects within the area" (Appendix B1, pp. 206).

The assumption that the Project's off-road construction equipment fleet would meet Tier 4 interim emissions standards remains unsupported as the DEIR fails to explicitly require these standards through a formal mitigation measure. This is incorrect, as according to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "While not 'mitigation', a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact" (emphasis added).[14]

As discussed above, measures that are not formally included in the mitigation monitoring and reporting program ("MMRP") may be eliminated from the Project's design altogether. As the use of construction equipment with Tier 4 interim emissions standards are not formally included as mitigation measures, we cannot guarantee that these standards would be implemented, monitored, and enforced on the Project site. Consequently, the model's assumption that the off-road construction equipment fleet would adhere to Tier 4 interim emissions standards is incorrect.

B-32 (CONT.)

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project's construction-related and operational emissions, we used CalEEMod Version 2020.4.0, as well as the Project-specific information provided by the DEIR.[15] Consistent with the DEIR's models, we included 243,303-SF of "Unrefrigerated Warehouse-No Rail," 27,000-SF of "Refrigerated Warehouse-No Rail," 299 spaces of "Parking Lot," and 161,000-SF of "Other Asphalt Surfaces." Additionally, we omitted the unsubstantiated changes to the architectural and coating emission factors, Tier 4 Interim mitigation, and operational vehicle fleet mix; we also proportionately altered the individual construction phase lengths to match the 12-month construction schedule.[16]

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[13] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.
[14] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.
[15] "CalEEMod Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), March 2022, *available at:* http://www.aqmd.gov/caleemod/download-model.
[16] See Attachment B for updated air modeling.

Our updated analysis estimates that the Project's construction-related VOC emissions would exceed the applicable SCAQMD threshold of 75-pounds per day ("lbs/day"), as referenced by the DEIR (see table below).[17]

SWAPE Criteria Air Pollutant Emissions	
Construction	**VOC** (lbs/day)
DEIR	47.2
SWAPE	199.0
% Increase	322%
SCAQMD Threshold	**75**
Exceeds?	***Yes***

As demonstrated in the table above, the Project's construction-related VOC emissions, as estimated by SWAPE, increase by approximately 322% and exceed the applicable SCAQMD significance threshold. Our updated model demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR. A revised EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment.

B-33 (CONT.)

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would result in a less-than-significant health risk impact based on a quantified construction and operational health risk assessment ("HRA"), as detailed in the Mobile Source Health Risk Assessment ("HRA Report"), provided as Appendix B2 to the DEIR. Specifically, the HRA Report estimates that the cumulative maximum cancer risk posed to nearby, existing residential sensitive receptors associated with construction and operation would be 0.01 in one million, which would not exceed the SCAQMD significance threshold of 10 in one million (p. 4, Table ES-3). The DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, the DEIR's HRAs are unreliable, as they rely upon emissions estimates from a flawed air model, as discussed above in the section titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions." As such, the HRAs are based on potentially underestimated DPM concentrations to calculate the health risk associated with Project construction. As a result, the DEIR's HRAs and resulting cancer risk should not be relied upon to determine Project significance.

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[17] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, March 2023, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25.

Second, the DEIR's operational HRA underestimates the Fraction of Time At Home ("FAH") values for the third trimester, infant, and child receptors. Specifically, the HRA Report utilizes an FAH value of 0.85 for the third trimester (age -0.25 to 0) and infant (age 0 to 2) receptors, and an FAH value of 0.72 for the child receptors (age 2 to 16) (see excerpt below) (Appendix B2, Table 2-7, p. 20).

TABLE 2-7: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (30 YEAR RESIDENTIAL)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
-0.25 to 0	361	10	0.25	0.85	350	24
0 to 2	1,090	10	2	0.85	350	24
2 to 16	572	3	14	0.72	350	24
16 to 30	261	1	14	0.73	350	24

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The FAH values used for the third trimester, infant, and childhood receptors are incorrect, as SCAQMD guidance clearly states:

> "For Tiers 1, 2, and 3 screening purposes, the FAH is assumed to be 1 for ages third trimester to 16. As a default, children are assumed to attend a daycare or school in close proximity to their home and no discount should be taken for time spent outside of the area affected by the facility's emissions. People older than age 16 are assumed to spend only 73 percent of their time at home."[18]

Per SCAQMD guidance, the HRA Report should have used an FAH of 1 for the third trimester, infant, and child receptors. By relying on incorrect FAH values, the DEIR underestimates the cancer risk posed to nearby, existing sensitive receptors as a result of Project operation.

Third, further review of the HRA Report demonstrates that the HRAs may fail to include Age Sensitivity Factors ("ASFs"). Regarding ASFs, OEHHA guidance states:

> "Studies have shown that young animals are more sensitive than adult animals to exposure to many carcinogens (OEHHA, 2009). Therefore, OEHHA developed age sensitivity factors (ASFs) to take into account the increased sensitivity to carcinogens during early-in-life exposure (Table 8.3). These factors were developed and described in detail in OEHHA (2009). In the absence of chemical-specific data, OEHHA recommends a default ASF of 10 for the third trimester to age 2 years, and an ASF of 3 for ages 2 through 15 years to account for potential increased sensitivity to carcinogens during childhood."

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[18] "Risk Assessment Procedures." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

However, while the HRA Report includes ASFs in their exposure assumption tables, the equation to produce carcinogenic risk estimates, as shown below, is incorrect and underestimated (p. 21).

$DOSE_{air} = (C_{air} \times [BR/BW] \times A \times EF) \times (1 \times 10^{-6})$

Where:

$DOSE_{air}$	=	chronic daily intake (mg/kg/day)
Cair	=	concentration of contaminant in air (ug/m^3)
[BR/BW]	=	daily breathing rate normalized to body weight (L/kg BW-day)
A	=	inhalation absorption factor
EF	=	exposure frequency (days/365 days)
BW	=	body weight (kg)
1×10^{-6}=		conversion factors (µg to mg, L to m^3)

$RISK_{air} = DOSE_{air} \times CPF \times ED/AT$

Where:

$DOSE_{air}$	=	chronic daily intake (mg/kg/day)
CPF	=	cancer potency factor
ED	=	number of years within particular age group
AT	=	averaging time

Instead, the HRA Report should have used the following equation that includes ASFs:

$$Cancer\ Risk_{AIR} = Dose_{AIR} \times CPF \times ASF \times FAH \times \frac{ED}{AT}$$

By potentially failing to include ASF values in the carcinogenic risk estimate equation, the DEIR's HRA may underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation. As such, a revised EIR should be prepared to include an updated analysis correctly accounting for ASF values.

B-36 (CONT.)

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 2,590.77 metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (see excerpt below) (Table 4.6-3, p. 4.6-22).

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Table 4.6-3 Project GHG Emissions

Emission Source	Emissions (MT/yr)				
	CO_2	CH_4	N_2O	Refrigerants	Total CO_2e
Annual construction-related emissions amortized over 30 years	30.43	6.67E-04	3.33E-04	0.01	30.77
Mobile Source	1,536.00	0.11	0.18	2.15	1,596.00
Area Source	5.48	0.00	0.00	0.00	5.64
Energy Source	847.00	0.08	0.00	0.00	850.00
Water Usage	88.10	2.04	0.05	0.00	154.00
Waste	22.70	2.27	0.00	0.00	79.30
Refrigerants	0.00	0.00	0.00	1,078.00	1,078.00
TRU Source					156.68
On-Site Equipment					286.15
Total CO_2e (All Sources)	**4,236.54**				
Subtraction of Emissions from Existing Land Uses	*-1,645.77*				
Total Net CO_2e (All Sources)	**2,590.77**				

(Urban Crossroads, 2022d, p. 58)

The DEIR concludes:

> "Construction and operation of the Project less emissions from the existing onsite uses would result a net total of new GHG emissions of approximately 2,590.77 MTCO2e/yr, which would fall below the significance threshold of 3,000 MTCO2e/yr; therefore, Project-related GHG emissions are considered less than significant" (p. 4.6-22).

The DEIR's analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

(1) The DEIR's quantitative GHG analysis relies upon a flawed air model;
(2) The DEIR's quantitative GHG analysis relies upon an outdated threshold; and
(3) The DEIR's unsubstantiated air model indicates a potentially significant impact.

B-37 (CONT.)

1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions

The DEIR estimates that the Project would generate net annual GHG emissions of 2,590.77 MT CO_2e/year (Table 4.6-3, p. 4.6-22). However, the DEIR's quantitative GHG analysis is unsubstantiated because the DEIR relies on CalEEMod Version 2022.1 to estimate the Project's air quality emissions and fails to provide the complete output files required to adequately evaluate model's analysis. When reviewing the CalEEMod output files included in the AQ Analysis, we were able to identify several model inputs that are inconsistent with information disclosed in the DEIR. As a result, the models may underestimate the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. A revised EIR should be prepared that adequately assesses the

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potential GHG impacts that construction and operation of the proposed Project may have on the environment.

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2) Incorrect Reliance on an Outdated Quantitative GHG Threshold

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 1,047.49 MT CO_2e/year, which would not exceed the SCAQMD threshold of 3,000 MT CO_2e/year (p. 4-37). However, the guidance that provided the 3,000 MT CO_2e/year threshold, the SCAQMD's 2008 *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans* report, was developed when the Global Warming Solutions Act of 2006, commonly known as "AB 32", was the governing statute for GHG reductions in California. AB 32 requires California to reduce GHG emissions to 1990 levels by 2020.[19] Furthermore, AEP guidance states:

> "[F]or evaluating projects with a post 2020 horizon, the threshold will need to be revised based on a new gap analysis that would examine 17 development and reduction potentials out to the next GHG reduction milestone."[20]

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As it is currently September 2023, thresholds for 2020 are not applicable to the proposed Project and should be revised to reflect the current GHG reduction target. As such, the SCAQMD bright-line threshold of 3,000 MT CO_2e/year is outdated and inapplicable to the proposed Project, and the DEIR's less-than-significant GHG impact conclusion should not be relied upon. Instead, we recommend that the Project apply the SCAQMD 2035 service population efficiency target of 3.0 metric tons of carbon dioxide equivalents per service population per year ("MT CO_2e/SP/year"), which was calculated by applying a 40% reduction to the 2020 targets.[21]

3) Failure to Identify a Potentially Significant GHG Impact

In an effort to quantitatively evaluate the Project's GHG emissions, we compared the Project's GHG emissions, as estimated by the DEIR, to the SCAQMD 2035 service population efficiency target of 3.0 MT CO_2e/SP/year. When applying this threshold, the Project's air model indicates a potentially significant GHG impact. As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 2,590.77 MT CO_2e/year (Table 4.6-3, p. 4.6-22). According to CAPCOA's *CEQA & Climate Change* report, a service population ("SP") is defined as "the sum of the number of residents and the number of jobs supported by the project."[22] As the Project does not propose any residential land uses, we estimate that the Project would not support any residents. Furthermore, according to the DEIR, the Project would support approximately 226 employees (p. 4.10-13). Based on this estimate, we calculated

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[19] "Health & Safety Code 38550." California State Legislature, January 2007, *available at:* https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=38550.
[20] "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at:* https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 39.
[21] "Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf, p. 2.
[22] CAPCOA (Jan. 2008) CEQA & Climate Change, p. 71-72, https://www.ourair.org/wp-content/uploads/CAPCOA-CEQA-and-Climate-Change.pdf.

an SP of 226 people. When dividing the Project's net annual GHG emissions, as estimated by the DEIR, by an SP of 226 people, we find that the Project would emit approximately 11.5 MT CO_2e/SP/year (see table below).[23]

DEIR Greenhouse Gas Emissions	
Annual Emissions (MT CO_2e/year)	2,590.77
Service Population	226
Service Population Efficiency (MT CO_2e/SP/year)	11.5
SCAQMD 2035 Threshold	**3.0**
Exceeds?	***Yes***

As demonstrated above, the Project's service population efficiency value, as estimated by the DEIR's provided net annual GHG emission estimates and SP, exceeds the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year, indicating a potentially significant impact not previously identified or addressed by the DEIR. As a result, the DEIR's less-than-significant GHG impact conclusion should not be relied upon. A revised EIR should be prepared to include an updated GHG analysis which incorporates additional mitigation measures to reduce the Project's GHG emissions to less-than-significant levels.

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Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air quality and GHG impacts that should be mitigated further. In an effort to reduce emissions, the Project should consider the implementation of the following mitigation measures found in the California Department of Justice Warehouse Project Best Practices document.[24]

- Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.

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[23] Calculated: (2,590.77 MT CO_2e/year) / (226 service population) = (11.5 MT CO_2e/SP/year).
[24] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge. B-44
- Limiting the amount of daily grading disturbance area. B-45
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area. B-46
- Forbidding idling of heavy equipment for more than three minutes. B-47
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications. B-48
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts. B-49
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L. B-50
- Providing information on transit and ridesharing programs and services to construction employees. B-51
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees. B-52
- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030. B-53
- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided. B-54
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations. B-55
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use. B-56
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager. B-57
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers. B-58
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible. B-59
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project. B-60
- Running conduit to designated locations for future electric truck charging stations. B-61
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks. B-62

- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability. B-63
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance) B-64
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations. B-65
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project. B-66
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air. B-67
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel. B-68
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. B-69
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking. B-70
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking. B-71
- Designing to LEED green building certification standards. B-72
- Providing meal options onsite or shuttles between the facility and nearby meal destinations. B-73
- Posting signs at every truck exit driveway providing directional information to the truck route. B-74
- Improving and maintaining vegetation and tree canopy for residents in and around the project area. B-75
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request. B-76
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers. B-77
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets. B-78

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

Furthermore, as it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize the applicability of incorporating solar power system into the Project design. Until the feasibility of incorporating on-site renewable energy production is considered, the Project should not be approved.

B-79

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

B-80

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

B-81

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Responses to Comment B

Blum, Collins & Ho LLP on behalf of Golden State Environmental Justice Alliance dated October 4, 2023.

B-1 This comment consists of introductory remarks and identifies that the comments on the Draft EIR are being provided by Blum Collins & Ho, LLP on behalf of the Golden State Environmental Justice Alliance (GSEJA). The statement of interest is acknowledged and the City will include GSEJA on the mailing list for future CEQA notices related to the Project.

B-2 This comment provides a general summary of the Project Description as provided in the Draft EIR. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

B-3` The commenter asserts that the Draft EIR does not accurately describe the Project and asserts that the Project is associated with another Project (East State Street Warehouse Project - PDEV22-010) that was approved by the City in January 2023. The commenter is incorrect in asserting that the EIR should examine all Prologis buildings as a whole. The East State Street Warehouse Project was approved by the City's Planning Commission on January 24, 2023. The project applicant for the East State Street Warehouse Project was previously Duke Realty Corporation until the acquisition of the company by Prologis, Inc. in October 2022. The East State Street Warehouse Project is separate from and has independent utility from the 5355 East Airport Drive Project. The two projects are in different locations within the City and have been processed under separate entitlements and discretionary approvals. Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. The East State Street Warehouse Project and the 5355 East Airport Drive Project are independent of each other and are not part of a larger development project. Therefore, the Draft EIR adequately analyzed the Project as a whole. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-4 The commenter states the requirements from CEQA Guidelines Sections 15146 and 15161 regarding the degree of specificity in an EIR and the definition of a Project EIR. The commenter is incorrect in stating that there are two proposed buildings as part of a single construction project. Refer to Response to Comment B-3 above regarding how the proposed Project and East State Street Warehouse Project are separate and independent development projects with independent utility. As stated in Section 1.0, *Introduction*, of the Draft EIR, the Draft EIR serves as an EIR for the proposed 5355 East Airport Drive Project. For purposes of this EIR, the term "Project" refers to all actions associated with implementation of the 5355 East Airport Drive project including its planning, construction, and ongoing operations. Additionally, acting as Lead Agency, the City of Ontario will consider the following items regarding the proposed Project and this Draft EIR: a) evaluation of this EIR to determine if the physical environmental impacts of the Project are adequately disclosed; b) assessment of the adequacy and feasibility of identified mitigation measures; c) consideration of alternatives to

the Project that could reduce or eliminate significant environmental effects of the Project; and, if necessary, d) consideration of Project benefits that override the Project's unavoidable and unmitigable significant effects on the environment. (Refer to Draft EIR pp. 1-1 and 1-5) Therefore, the Draft EIR adequately analyzed the Project as a whole. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-5 The commenter asserts that the Draft EIR provides misleading information regarding project grading stating that earthwork will balance whereas the grading plan shows that 9,000 cy of exported material is required. This assertion is incorrect. Draft EIR p. 3-313 discloses that the Project's grading operation would result in 9,000 more cubic yards of cut than fill, but final earthwork quantities are subject to final civil engineering design and after final engineering, the earthwork is expected to balance with no import or export of earth material required. Nonetheless, as stated in the Project's Air Quality Impact Analysis (*Technical Appendix B1* to this Draft EIR), under Section 4.4.1, *Construction Activities*, the Project is anticipated to require approximately 9,000 cubic yards of export soil. Therefore, even though the exact final earthwork quantities are subjected to final civil engineering design, the environmental analysis provided in the Draft EIR included that 9,000 cubic yards of export soils would be required under the Project's grading activities. The clarification in the Project Description is not substantial new information warranting recirculation, as the analysis in the Draft EIR included the possible export activity.

B-6 The commenter refers to the attachments from the Soil / Water / Air Protection Enterprise (SWAPE) letter. Comments related to potential environmental concerns in the SWAPE letter are responded to below in the response to Comments B-23 to B-82.

B-7 The commenter summarizes existing air quality conditions within the census tract where the Project site is located using data obtained from the California Environmental Protection Agency (CalEnviroScreen 4.0). The commenter also notes that the Project site and its surroundings are located in census tracts that are classified by the State of California as "disadvantaged communities" and states that air pollution from the Project represents an environmental justice issue. As discussed in Section 2.0, *Environmental Setting*, of the Draft EIR, details about the Project site and its surroundings in CalEnviroScreen 4.0 are disclosed in Pages 2-1 through 2-3 of the Draft EIR.

Environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports). In addition, air quality impacts are not required to be assessed based on census tract locations. Notwithstanding, the air quality analysis contained in the Draft EIR demonstrates that the Project would not expose any sensitive receptor, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or diesel particulate matter source emissions. To the contrary, the Project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant (refer to Pages 4.2-35 to 4.2-36 of the Draft EIR).

The commenter is reminded that the Project site is primarily surrounded by industrial uses. The residential land use with the greatest potential exposure to Project operational source emissions is located approximately 8,840 feet (1.67 miles) northwest of the Project site on the opposite side of I-15 and I-10. The nearest school is located 11,200 feet (2.12 miles) away from the Project site. The commenter provides no evidence to support its claim that the Project, which is converting an already developed industrial site in an industrial area of the City, to a contemporary industrial use, would in any way have a significant adverse effect to sensitive receptors located more than 1.6 miles away from the Project site.

B-8 The commenter states that the California Building Energy Code Compliance (CBECC) software is the State's only approved energy compliance software for non-residential buildings in compliance with Title 24. The commenter incorrectly states that CalEEMod-based modeling should not have been used to calculate the Project's potential impacts because it does not comply with 2022 Building Energy Efficiency Standards and underreports the Project's energy impacts and fuel consumption.

The commenter is correct that CBECC software is approved specifically for Title 24 compliance, which would be required to be used for any development project at the time of its physical building construction, which occurs approximately 12-18 months after entitlement. The compliance modeling software referenced by the commenter is used to confirm that a final building design, with detailed information included in its construction drawings, is Title 24 compliant. The proposed Project's final designs and construction drawings are not available at this time and are not typically prepared until after a proposed development project is approved/entitled.

The Draft EIR and underlying technical studies correctly use CalEEMod to estimate energy demand based on average intensity factors for similar land use types based on the Project's site plan provided to the City for entitlement. Since the occupant(s) of the Project's buildings are unknown at this time, and information about the future building user's energy use is also not available at this time, it is appropriate to rely upon the CalEEMod default assumptions which have been derived by the California Air Pollution Control Officers Association (CAPCOA) based on survey data. There is no requirement in CEQA to show specific compliance with 2022 Building Energy Efficiency Standards based on conceptual building designs proposed at the entitlement stage of a project's approval process, but such compliance is a standard regulatory requirement. This will be a requirement pursuant to State law prior to issuance of each building permit and verified by the City's Building and Safety Department.

B-9 The commenter asserts that the Project applicant requested vehicle trip counts be recorded at the project site very early on in the process (March 2022) in order to create artificially inflated trip reduction credits that do not match the Environmental Setting and that the trip reduction credits should be removed in the Draft EIR analysis. The commenter makes an incorrect assumption without substantial evidence that the tenant, Verhoeven Grain, closed its operation on the Project site in September 2022 at the time the Notice of Preparation was released. As discussed in Section 4.1, *Aesthetics*, of the Draft EIR, the Project Site is occupied by

Verhoeven, a grain processing facility (sub-tenant), and The Scoular Company, a corn storage and distribution facility, under existing conditions. (Refer to Draft EIR p. 4.1-1) Verhoeven and The Scoular Company occupied the Project site until April 2023. Therefore, the City's experts disagree with the comment and have determined that the trip counts taken at the Project site are an accurate representation of the Project's environmental setting. Thus, no additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-10 The commenter states that the Draft EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses since there are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. As the commenter's request, the Project's truck turning plan, titled, *Truck Turning Exhibit*, has been added *Attachment C* to the Final EIR. As shown, there is adequate turning radius for trucks to enter and exit the Project site. Therefore, the Project would not create or substantially increase safety hazards due to a design feature or incompatible use and impacts would be less than significant. Thus, no further response is required.

B-11 The commenter asserts that the Draft EIR is deferring analysis related to sight distance. As stated in Section 4.10, *Transportation*, of the Draft EIR, the Project's construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. The Project has been designed to provide adequate truck access/circulation and the City of Ontario Engineering Department reviewed the Project's application materials including the Project's preliminary grading, landscape, truck turning, and street improvement plans, and determined that no hazardous transportation design features would be introduced within the City public right-of-way through implementation of the Project. (Refer to Draft EIR p. 4.10-14) The Draft EIR did not defer analysis related to sight distance since the City has already reviewed all Project's plans through the entitlement process, and there is a regulatory requirement for review of detailed construction drawings at the building permit plan check and street improvement plan check stages of Project implementation. Refer to the City of Ontario Municipal Code Sec. 7-3.11. Sight distance. *"No hedge, shrub, or other planting, and no fence or other structure, shall be planted, erected, or maintained in a right-of-way without a permit or upon any sidewalk or shoulder or in such a manner which impedes, obstructs, denies, or impairs the sight distance for safe pedestrian and vehicular traffic."* Final grading, landscape, and street improvement plans would be submitted to the City for review once the Project's entitlement is approved. Thus, no additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-12 The commenter incorrectly asserts that the Project is not consistent with SCAG's Connect SoCal Goals 5, 6 and 7 due to the alleged error in modeling and significant and unavoidable impacts related to transportation (VMT). Goal 5 of the SCAG's Connect SoCal is to reduce greenhouse gas emissions and improve air quality. As stated in Section 4.10, *Transportation*, of the Draft EIR (refer to Draft EIR p. 4.10-8), the Project is not in conflict with this goal since the Project would have a less than significant impact under the topics of Air Quality (refer to EIR Subsection 4.2) and Greenhouse Gas Emissions (refer to EIR Subsection 4.6).

Additionally, and as discussed in EIR Section 3.0, *Project Description*, and Subsection 4.4, *Energy*, the Project would incorporate various measures required by the California Green Building Standards Code (CALGreen) related to building design, landscaping, and energy systems to promote the efficient use of energy. The Project also would construct roadway frontage improvements, including sidewalks which would encourage walking in the Project area. Therefore, the Project is consistent with Goal 5 of the SCAG's Connect SoCal, and no revisions to the Draft EIR are required.

Goal 6 of the SCAG's Connect SoCal is to support healthy and equitable communities. The proposed building design would support the health of occupants and users by using non-toxic building materials and finishes, and by using windows to maximize natural light and ventilation Additionally, as discussed in the Draft EIR under Threshold c in Section 4.1 (starting on Draft EIR p. 4.2-33), (1) the Project's localized construction and operational emissions would not exceed the SCAQMD localized significance thresholds; (2) based on the Project-specific mobile source health risk assessment (HRA) (*Technical Appendix B2* of the Draft EIR), the Project would not result in significant health impacts due to diesel particulate matter (DPM) emissions; and (3) the Project would not cause or contribute to any CO "hot spots". Therefore, the Project is consistent with Goal 6 of the SCAG's Connect SoCal, and no revisions to the Draft EIR are required.

Goal 7 of the SCAG's Connect SoCal is to adapt to a changing climate and support an integrated regional development. The Project is consistent with this goal because Connect SoCal indicates that since the adoption of the Connect SoCal, there have been significant drivers of change in the goods movement industry including emerging and new technologies, more complex supply chain strategies, evolving consumer demands and shifts in trade policies. Warehouse distribution and ecommerce continues to be one of the most influential factors shaping goods movement. The Project involves the redevelopment of the Project Site, historically used for corn storage and grain mill with a warehouse facility that would diversify the City of Ontario's economy and bring employment opportunities closer to the local workforce. Co-locating jobs near housing reduces greenhouse gas emissions caused by long commutes and contributes to integrated development patterns. Therefore, the Project is consistent with Goal 7 of the SCAG's Connect SoCal, and no revisions to the Draft EIR are required. As such, the Draft EIR provided ample information about the Project's impacts for informed decision-making.

B-13 The commenter states that Draft EIR did not model the Project's energy consumption in compliance with Title 24 modeling software. The Title 24 software is not the appropriate software for use as explained in Response to Comment B-8 regarding the use of the CBECC. The City's experts disagree and thus, no further response is required.

B-14 The commenter incorrectly asserts that the Draft EIR does not discuss the Project's significant and unavoidable Transportation (VMT) impacts and thus the Project's inability to comply with SB 743. The Project's significant and unavoidable VMT impacts are discussed in several sections of the Draft EIR. As discussed in Draft EIR Section 4.10, *Transportation*, the Project

did not meet any of the VMT screening criteria and a project level VMT analysis (*Technical Appendix J* to the Draft EIR) was prepared to assess the Project's potential impact to VMT. As shown in Table 4.10-7, the Project would exceed the City's VMT per SP impact threshold for both the baseline and TOP buildout conditions. Mitigation measure MM 4.10-1 will reduce the Project's VMT per service population by some percentage based on the level of participation achieved, but based on the above-described factors, it is not feasible to reduce VMT to below a level of significance. However, as the Project area and surrounding communities develop as envisioned under the City of Ontario General Plan (TOP), new residential, retail, and industrial development would be implemented. These actions could collectively alter transportation patterns, improve the region's jobs/housing ratio, reduce VMT, and support implementation of new or alternative TDM measures. With the implementation of mitigation measure MM 4.10-1, VMT is expected to be reduced, but the Project's impacts related to VMT would still be significant and unavoidable. (Refer to Draft EIR pp. 4.10-11 to 4.10-14; 4.10-16 to 4.10-17) Therefore, the Draft EIR adequately discloses the Project's significant and unavoidable VMT impacts. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-15 The commenter asserts that the Draft EIR utilizes uncertain and misleading language to support its conclusion that the project will not have growth inducing impacts and that a revised EIR must be prepared to account for longer worker trip distances. The commenter is conflating the Draft EIR's description of the availability of workforce in the area for purposes evaluating growth inducing impacts with worker commute VMT distances. As discussed in the Project's Air Quality Impact Analysis (*Technical Appendix B1* to this Draft EIR), in order to determine emissions from passenger car vehicles, CalEEMod defaults for trip length and trip purpose were utilized. Default vehicle trip lengths for primary trips was populated using data from the local metropolitan planning organizations/Regional Transportation Planning Agencies (MPO/RTPA). Trip type percentages and trip lengths provided by MPO/RTPAs truncate data at their demonstrative borders. Additionally, consistent with City Guidelines and standard VMT calculation methods, total VMT is calculated from San Bernardino Transportation Analysis Model's origin-destination trip matrices and then divided by a project's service population to derive the VMT efficiency metric VMT per service population. Therefore, the City's experts disagree and the Draft EIR adequately analyzes worker trip distances under for air quality, GHG and VMT. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-16 The commenter asserts that an EIR must be prepared to include a cumulative analysis of all cumulative development constructed, approved projects not yet constructed, and "projects in the pipeline" within the City to determine whether the Project would exceed the projected growth determined by The Ontario Plan (TOP 2050). As discussed in in Section 5.4.5, *Population and Housing*, of the Draft EIR, the Project would generate approximately 226 employees and TOP 2050 projected a total of 296,002 jobs in 2050. According to SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, the City of Ontario is anticipated to employ approximately 169,300 persons by 2045 Therefore, the Project's projected employment is well within SCAG's 2045 and the TOP 2050 employment

projection. Further, the Project does not require or include a General Plan Amendment and because the Project is consistent with TOP 2050 land use designation, it is within the growth projections relied upon by the City and other agencies. Additionally, the TOP 2050 growth projection, as analyzed in the City's TOP 2050 SEIR, assumes buildout of all land within the City, which provides a cumulative analysis of the Project in addition to potential projects that will be built in the future. Therefore, the Draft EIR provided an adequate or accurate cumulative analysis and no revisions to the Draft EIR are required.

B-17 The commenter states that the Draft EIR did not provide a consistency analysis for all applicable General Plan goals, policies, and programs. The comment lists a total of 8 goals and policies that should be added to the Draft EIR.

In numerous instances, CEQA case law has held that a project's consistency with a General Plan is not an environmental consideration and does not need to be addressed in a CEQA document (See, e.g., *North Coast Rivers Alliance et al. v. Marin Municipal Water District* (2013) 216 Cal.App.4th 614, 633; *City of Long Beach v. Los Angeles Unified Sch. Dist.*, (2009) 176 Cal. App. 4th 889, 919). What a CEQA document must address is whether the Project would conflict with the General Plan in such a way that it would result in an environmental effect. In the absence of a planning inconsistency that results in an environmental effect, it is adequate to state that no conflict would occur, which was done in the Draft EIR. Separately, as a matter of consistency with City planning documents, the City is required to determine whether the Project is consistent its General Plan, which will be provided in a staff report to the decision makers (Planning Commission and City Council). The commenter does not provide any evidence that the Project would result in an environmental effect due to a conflict with the City's General Plan. Notwithstanding, the reasoning for why each goal and policy was not included are as follows:

- *Policy ER-4.1 Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.*

  The Project does not propose mixed use or transit-oriented development. However, as discussed in Draft EIR Section 4.6, *Greenhouse Gas Emissions*, construction and operation of the Project gross emissions from the existing onsite uses would result a net total of new GHG emissions of approximately 2,590.77 $MTCO_2e$/yr, which would fall below the significance threshold of 3,000 $MTCO_2e$/yr; therefore, Project-related GHG emissions are considered less than significant. (Refer to Draft EIR p. 4.6-22.) Therefore, the Project would be consistent with Policy ER-4.1.

- *Policy ER-4.6 Particulate Matter. We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.*

  As discussed in Draft EIR Section 4.2, *Air Quality*, Project construction and operations would not exceed the applicable SCAQMD thresholds for localized NO_X, CO, and particulate matter

(PM_{10} and $PM_{2.5}$) emissions. (Refer to Draft EIR pp. 4.2-33 to 4.2-34.) Therefore, the Project would be consistent with Policy ER-4.6.

- *Policy CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality*.

  As discussed in Draft EIR Section 3.0, *Project Description*, the proposed building would be constructed with concrete tilt-up panels, with special architectural features and colors at the potential office locations at the southwest and southeast corners of the building, which also would feature green reflective glazing. The proposed building's exterior color palette would be comprised of various shades of white, grays, dark grays, and dark green. Moreover, the Project would be conditioned by the City of Ontario to achieve Leadership in Energy and Environmental Design (LEED) standards. (Refer to Draft EIR pp. 3-2 and 3-6.) Therefore, the Project would be consistent with Policy CE-2.4.

- *Policy CE-3.1 Fiscal Impact Disclosure. We require requests for City Council action to disclose the full fiscal impacts, including direct and indirect costs.*

  Policy CE-3.1 is not applicable to the Project since this policy does not mitigate an environmental effect. Thus, no further response is required.

- *Policy M-1.1. Roadways maintain a peak hour Level of Service (LOS) E or better at all intersections. Policy M-1.5 Level of Service. Maintain a peak hour Level of Service (LOS) E or better at all intersections. Maintain Level of Service D or better on arterial streets in the City.*

  Automobile delay, as measured by LOS and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts. This statewide mandate went into effect July 1, 2020. CEQA Guidelines Section 15064.3, effective January 1, 2019, "describes specific considerations for evaluating a project's transportation impacts" and provides that, except for roadway capacity projects, "a project's effect on automobile delay (or LOS)" shall not constitute a significant environmental impact" (CEQA Guidelines Section 15064.3(a)). Moreover, vehicle congestion is not a CEQA issue as it pertains to LOS. Therefore, Policies M-1.1 and M-1.5 are not applicable to the Project and no revision to the Draft EIR is required.

- *Policy CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.*

  As discussed in Draft EIR Section 4.10, *Transportation*, as a standard condition of approval, the Project would comply with all applicable federal, State, and local design and safety

standards. In addition, the Project would provide sidewalks for pedestrian access and bike racks to meet the needs of multiple transportation modes and users. The Project area is generally surrounded by industrial uses and the Project has been designed to be compatible with the streetscape and surrounding land uses. (Refer to Draft EIR p. 4.10-9.) Therefore, the Project would be consistent with Policy CD-2.8.

- *Policy CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner.*

  As discussed in Draft EIR Section 3.0, *Project Description*, the proposed building would have 54 loading docks and 48 truck trailer parking spaces within the truck court/loading area on the south side of the building. The truck court/loading area would be enclosed and screened from public viewing areas by landscaping and minimum 14-foot-tall concrete tilt screening walls, with 8-foot-tall black tube steel gate used at the access points. (Refer to Draft EIR p. 3-6.) Therefore, the Project would be consistent with Policy CD-2.8.

- *Goal CE-1. A complete community that provides for all incomes and stages of life.*

  Goal CE-1 is not applicable to the Project since this goal does not mitigate an environmental effect. Thus, no further response is required.

- *Policy CE-1.2 Jobs and Workforce Skills. We use our economic development resources to: 1. attract jobs suited for the skills and education of current and future City residents.*

  Policy CE-1.2 is not applicable to the Project since this policy does not mitigate an environmental effect. Thus, no further response is required.

- *Policy CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.*

  The Project would be subject to applicable development regulations and design standards, including, but not limited to the Ontario Development Code. Mandatory compliance to applicable development regulations and design standards would ensure that developments would incorporate high quality building materials, site design, and landscaping to the Project's design. Therefore, the Project would be consistent with Policy CE-2.1.

- *Policy CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.*

  Policy CE-2.2 is not applicable to the Project since this policy does not mitigate an environmental effect. Thus, no further response is required.

- *Policy CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.*

  The Project involves the redevelopment of the Project Site (previously used for corn storage and grain mill with a warehouse facility) with a contemporary warehouse facility which has been designed to be visually compatible with the adjacent building field colors. The Project would be conditioned by the City of Ontario to achieve Leadership in Energy and Environmental Design (LEED) standards. Therefore, the Project would be consistent with Policy CE-2.4.

- *Policy M-1.6 Reduce Vehicle Miles Traveled. We will strive to reduce VMT through a combination of land use, transportation projects, travel demand management strategies, and other trip reduction measures in coordination with development projects and public capital improvement projects.*

  As discussed in Draft EIR Section 4.10, *Transportation*, the Project would result in significant and unavoidable VMT impacts. Although the Project would exceed the City's VMT per Service Population impact threshold for both the baseline and TOP buildout conditions, all feasible mitigation measures have been included to reduce VMT impacts. Therefore, the Project would be consistent with Policy M-1.6.

B-18 The commenter asserts that the Draft EIR does not provide information or analysis on the buildout conditions of the TOP 2050 and that the Project and the East State Street Warehouse Project (a separate previously approved project with independent utility from the proposed Project) represents 0.33% of the TOP 2050 buildout for Industrial uses, which is considered significant. Refer to Response to Comment B-4 regarding the relation between the proposed Project and the approved East State Street Warehouse Project and Response to Comment B-16 for a detailed discussion of the Project's cumulative analysis and its consistency with SCAG's and TOP 2050 growth projections. The City's experts disagree and no further response is warranted.

B-19 The commenter asserts that the Draft EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the Project's impacts to population and employment generation and that the EIR must be prepared to provide an accurate estimate of employees generated by all uses of the Project. As discussed in in Draft EIR Section 5.4.5, *Population and Housing*, the Project would generate approximately 226 employees and TOP 2050 projected a total of 296,002 jobs in 2050. Therefore, the Project's projected employment is well within TOP 2050 employment projection in 2050. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-20 The commenter asserts that a revised EIR must be prepared to provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the Project will exceed the employment/population growth forecasts by SCAG and/or the General

Plan. Refer to Response to Comment B-16 for a detailed discussion of the Project's cumulative analysis and its consistency with SCAG's and TOP 2050 growth projections. The City's experts disagree with the commenter and thus no further response is warranted.

B-21 The commenter incorrectly asserts that the Draft EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the No Project alternative are analyzed. As discussed in Section 6.0, *Alternatives*, of the Draft EIR, an alternative sites alternative was considered but rejected since an alternative location is not available that would avoid or substantially lessen the significant environmental effects of the Project, and because the Project Applicant does not have ownership control over, and cannot reasonably obtain ownership control over, any other parcels of land of adequate size in the jurisdiction of the City that could accommodate the Project. Pursuant to State CEQA Guidelines Section 15126.6(a) "[a]n EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. In determining an appropriate range of alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. In accordance with State CEQA Guidelines section 15126.6(c), alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. (Refer to Draft EIR pp 6.4 to 6.5.) Therefore, contrary to the commenter's assertion, the Draft EIR adequately identities a range of alternatives and no revisions to the Draft EIR are required.

B-22 This comment provides conclusionary remarks. The City acknowledges the statement of interest and will include GSEJA on the mailing list for future CEQA notices related to the Project.

B-23 The commenter summarizes the Project description and incorrectly claims that the Draft EIR's hazards and hazardous materials, air quality, health risk and GHG emissions impacts are underestimated and request preparation of an updated EIR based on subsequent comments. This is a summary of the detailed comments provided in the body of the commenter letter, which are responded to the in following responses to Comments B-18 through 1-82. Thus, the City's experts disagree and no further response is required.

B-24 The commenter summarizes the Draft EIR's analysis related to the potential of tetrachloroethylene (PCE) onsite and mitigation measure MM 4.7-1. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

B-25 The commenter asserts that mitigation measure 4.7-1 failed to include the recommendation from the Project's Phase I/Phase II Environmental Site Assessment Report (*Technical Appendix G* to the Draft EIR) related to the potential of PCE in the indoor air of the future building. During additional soil investigations conducted at the site in December 2022 and

September 2023 (as shown in *Attachments D and E* to this Final EIR), tetrachloroethene (PCE) detections in soil gas either were not detected above laboratory reporting limits or were less than the calculated soil gas screening level using a 0.03 attenuation factor. Soil vapor sampling locations were chosen in areas of known impacts and sampling data from the last two sampling rounds at the Project site has not established the potential for an unacceptable vapor intrusion risk in the planned future building footprint. Soil impacts (if any) associated with previous industrial activities and features at the site that may be encountered during site redevelopment will be addressed and managed by the implementation of a Media Management Plan (*Attachment F* to this Final EIR). The purpose of a Media Management Plan is to provide protocols for managing confirmed and potentially contaminated media that may be encountered during future improvement activities involving subsurface work at the Project site. Thus, the City's experts disagree and no additions, revisions, or corrections to the Draft EIR are necessary.

B-26 The commenter states that the use of CalEEMod Version 2022.1 to estimate the Project emissions is an issue since it is a soft release and complete JavaScript Object Notation (JSON) output flies were not presented. The commenter is incorrect as CalEEMod 2022 is no longer a soft release and should be used over 2020 as it is the newest model that more accurately presents emissions as compared to CalEEMod 2020. Additionally, the JSON model input files are available for review and were also provided upon request during the public review process to SCAQMD. Therefore, the City's experts disagree and no additions, revisions, or corrections to the Draft EIR are necessary.

B-27 The commenter asserts that the Draft EIR understates the Project's construction and operational air pollutant emissions due to assumptions that are purported to be unsubstantiated. Refer to Response to Comment B-26 regarding the use of CalEEMod 2022.1 and complete output files. Therefore, the City's experts disagree and no additions, revisions, or corrections to the Draft EIR are necessary.

B-28 The commenter questions the changes made to the CalEEMod defaults used in the Project analysis and states that the changes to the individual construction phase lengths remain unsubstantiated or identified in the Draft EIR. The changes to the Project's construction schedule are summarized and disclosed in the Draft EIR and underlying the Project's Air Quality Impact Analysis (*Technical Appendix B1* to the Draft EIR), which provides a detailed summary of the start and end dates of construction along with the number of working days of activity. To the contrary, Page 33 of the Project's Air Quality Impact Analysis clearly states, that "The duration of construction and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines." In this case, site-specific information was provided by the Project Applicant relative to the Project's construction schedule and equipment list were reviewed and provided. Therefore, the City's experts disagree and no additions, revisions, or corrections to the Draft EIR are necessary.

B-29 The commenter claims that unsubstantiated architectural coating emissions parameters were used to estimate VOC emissions from Project construction since the accuracy of the revised

architectural coating emission factors based on SCAQMD Rule 1113 cannot be verified. As stated in Section 4.2, *Air Quality*, of the Draft EIR (refer to Draft EIR p. 4.2-19) and the Project's Air Quality Impact Analysis (*Technical Appendix B1* to the Draft EIR, p. 2), the Project would be required to comply with SCAQMD Rule 1113 which limits the VOC content of architectural coatings to 50 g/l for the building envelope. The "building envelope" coating category is appropriate to use for the Project because the primary painting activities would be for the physical interior and exterior structure (walls), which constitute the "building envelope." The SCAQMD's rule also serves as substantial evidence because SCAQMD is the applicable jurisdiction governing air quality in the Project's region. Therefore, the City's experts disagree and the Project's Draft EIR relied on appropriate assumptions to quantify construction-related VOC emissions. No additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-30 The commenter further claims that unsubstantiated architectural coating emissions parameters were used to estimate VOC emissions from Project construction by citing Table 5.5 in the Project's Air Quality Impact Analysis (*Technical Appendix B1* to the Draft EIR). The commenter goes on to cite notes that were added in the modeling output files to substantiate the changes to the model defaults but erroneously dismisses the notes. Refer to Response to Comment B-29 above regarding the assumption used. Thus, the City's experts disagree and no further response is required.

B-31 The commenter asserts that the Draft EIR understates the Project's operational air pollutant emissions due to the model changes to the fleet mix that are purported to be unsubstantiated. Pages 36 through 38 of the Project's Air Quality Impact Analysis clearly states that the Project-specific passenger car fleet mix used in this analysis is based on a proportional split utilizing the default CalEEMod percentages assigned to LDA, LDT1, LDT2, and MDV vehicle types and that the Project-specific truck fleet mix is based on the number of trips generated by each truck type (LHDT1, LHDT2, MHDT, and HHDT) e.g. 2, 3 & 4+ axle trucks, relative to the total number of truck trips. As such, the truck mix was adjusted according to the truck trips taken from the Project's Trip Generation Assessment (*Technical Appendix K* to the Draft EIR). This fleet mix adjustment was made to appropriately account for the emissions from passenger cars vs trucks. The Project's air quality analysis is technically sound and relied on appropriate assumptions and methodologies that are supported by substantial evidence. Also refer to Response to Comment B-26, B-27 and B-28. The City's experts disagree and thus, no additions, revisions, or corrections to the Draft EIR are necessary and no further response is required.

B-32 The commenter claims that the use of Tier 4 construction equipment modeled is not formally included as mitigation measures, and it cannot be guaranteed that these standards would be implemented, monitored, and enforced on the Project site. Contrary to what the commentor states, the Project's Air Quality Impact Analysis (*Technical Appendix B1* to the Draft EIR) state that under the City of Ontario General Plan, construction activities associated with future developments accommodated under the general plan would require the use of construction equipment meeting at least Tier 4 Interim exhaust emission limits (refer to *Technical Appendix*

B1 pp. 3 and 33). As such, the proposed Project will utilize equipment meeting at least Tier 4 Interim standards. The use of Tier 4 as stated above is required under the City of Ontario General Plan and as such will be enforced by the City.

B-33 The commenter provides an alternative air pollution analysis (CalEEMod v. 2020.4.0 with varying defaults set) that claims to demonstrate that the Project would result in a significant impact during construction from VOC emissions. First, the commenter does not provide any substantiation for the assumptions made in the alternative air quality modeling. Second, the version of the air quality analysis model used by the commenter (CalEEMod Version 2020.4.0) is outdated and has been replaced by a subsequent model update (CalEEMod Version 2022.1, which is the model used for the Project's analysis). Use of CalEEMod Version 2020.4.0 is no longer deemed acceptable by the South Coast Air Quality Management District. As demonstrated by Responses to Comments B-26 through B-32, the Project's air quality analysis is technically sound and relied on appropriate assumptions and methodologies that are supported by substantial evidence. Thus, the City's experts disagree and no additions, revisions, or corrections to the Draft EIR are necessary.

B-34 The commenter states that the Draft EIR' potential health risk impacts are incorrect since the Project' Health Risk Assessment (*Technical Appendix B2* of the Draft EIR) rely upon emissions estimates from a flawed air model. Refer to Response to Comment B-26 regarding the use of CalEEMod 2022.1. Thus, the City's experts disagree and no additions, revisions, or corrections to the Draft EIR are necessary.

B-35 The commenter states that Draft EIR's operational Health Risk Assessment underestimates the Fraction of Time At Home ("FAH") values for the third trimester, infant, and child receptors. The Draft EIR and Project' Health Risk Assessment (*Technical Appendix B2* of the Draft EIR), includes a construction and operational HRA, including the total combined risk for Project construction and operation combined. Contrary to the commenter's assertion that this data was not presented. Additionally, the Project correctly evaluates risk based on the fraction of time at home (FAH) based on SCAQMD and OEHHA guidance as discussed and disclosed in the technical Appendix B1.

Further, the analysis was performed based on SCAQMD and CARB RMP guidelines, which recommend using 95th percentile breathing rates for the -0.3<2 age group and 80th percentile breathing rates for all other ages.

Per OEHHA's 2015 Risk Assessment Guidelines, an FAH 0.85 for 3rd trimester and 0<2 years and 0.72 for 2<16 years should be utilized, unless a school is located within the 1.0E-6 cancer risk isopleth, in which case 1.0 should be utilized. As there are no schools located within the 1.0E-6 cancer risk isopleth, FAH values of 0.85 and 0.72 were used for the 3rd Trimester/0<2 years and 2<16 years age groups, respectively (See Air Toxics Hot Spots Program Guidance Manual February 2015, Page 8-5).

The FAH value is utilized in risk assessments to estimate potential exposures to environmental hazards. The conservative approach of using 0.85 provides an additional safety margin by assuming that exposure to hazards is reduced due to time spent away from home. This approach aligns with the principle of protecting public health and minimizing potential risks. Assuming an FAH value of 1.0 may lead to unrealistic scenarios in risk assessments and policy development. It does not accurately reflect real-world conditions and could result in unnecessary burdens. By using 0.85, OEHHA strikes a balance between protective measures and practicality, ensuring that risk assessments are grounded in realistic assumptions. Thus, the City's experts disagree and no further response is required.

B-36 The commenter states that Health Risk Assessment may fail to include Age Sensitivity Factors ("ASFs"). Refer to Response to Comment B-35 above regarding the Project's methodology for calculating health risk analysis. Thus, the City's experts disagree and no further response is required.

B-37 The commenter summarizes the Project's GHG emission impacts and asserts that the analysis is incorrect for three reasons which are discussed below under Response to Comment B-38 through B-40. Thus, the City's experts disagree and no further response is required.

B-38 The commenter states that the Project provides incorrect GHG analysis due to reliance on an outdated threshold and unsubstantiated air model. However, the commenter provides no substantial evidence of a significant environmental impact. The comment does not contain any information requiring further changes to the Draft EIR. Thus, the City's experts disagree and no further response is required.

B-39 The commenter opines that the Draft EIR relies on an outdated GHG threshold (2020) and that the threshold should instead be based on a recommendation discussed at a 2010 SCAQMD working group meeting, which is documented in meeting notes as 3.0 metric tons of carbon dioxide equivalents per service population per year. The City and its experts disagree with the use of the commenter's suggested service population threshold, primarily because it is not an adopted threshold whereas the threshold used in the Draft EIR is in fact adopted by the SCAAQMD and is a statistically sound threshold. The 3,000 $MTCO_2e$ per year threshold is based on a 90 percent emission "capture" rate methodology. Prior to its use by the SCAQMD, the 90 percent emissions capture approach was one of the options suggested by the California Air Pollution Control Officers Association (CAPCOA) in their CEQA and Climate Change white paper (2008). A 90 percent emission capture rate means that unmitigated GHG emissions from the top 90 percent of all GHG-producing projects within a geographic area – the SCAB in this instance – would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while the bottom 10 percent of all GHG-producing projects would be excluded from detailed analysis. In setting the threshold at 3,000 $MTCO_2e$ per year, SCAQMD researched a database of projects kept by the Governor's Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD

analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 $MTCO_2e$ per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 MTCO2e per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 $MTCO_2e$ per year threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 $MTCO_2e$ per year threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold "uses the Executive Order S-3-05 goal [80 percent below 1990 levels by 2050] as the basis for deriving the screening level" and, thus, remains valid for use in 2022. Lastly, this threshold has been used for hundreds, if not thousands, of GHG analyses performed for projects located within the SCAQMD jurisdiction.[2]

B-40 The commenter states that the Project would result in a significant GHG impact when the suggested SCAQMD 2035 3.0 metric tons threshold is applied. As provided above in Response to Comment B-39, the Project applied the appropriate and SCAQMD adopted GHG threshold. Therefore, the GHG analysis is accurate, and the Project would result in less than significant GHG impacts. The comment does not contain any information requiring further changes to the Draft EIR. Thus, the City's experts disagree and no further response is required.

B-41 The commenter recommends consideration of measures (identified below) found in the Department of Justice Warehouse Project Best Practices document be included in the Draft EIR. The commenter requests requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, emissions resulting from the Project construction will not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant

[2] https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds

(Refer to Draft EIR p. 4.2-31). Thus, the City determines that additional mitigation is not warranted.

B-42 The commenter requests prohibition of off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, emissions resulting from the Project construction will not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant (Refer to Draft EIR p. 4.2-31). Thus, the City determines that additional mitigation is not warranted.

B-43 The commenter requests to use electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-44 The commenter requests designation of an area in the construction site where electric-powered construction vehicles and equipment can charge. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, emissions resulting from the Project construction will not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant (Refer to Draft EIR p. 4.2-31). Thus, the City determines that additional mitigation is not warranted.

B-45 The commenter requests mitigation to limit the amount of daily grading disturbance area, but does not provide an exact quantity. The construction analysis included extremely conservative assumptions on the amount of acres that could be actively graded per day to provide a worst case analysis of air quality impacts. Additionally, limiting the amount of grading per day will not change the overall amount of grading required for the Project, which would result in the same overall impact. Therefore, the Draft EIR made reasonable assumptions based on equipment and schedule and disclosed the maximum emissions per day, therefore, no further mitigation is required.

B-46 The commenter requests mitigation to prohibit grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.

Table 4.2-10, *Localized Construction-Source Emissions Summary*, of the Draft EIR, identifies the localized impacts at the nearest receptor location in the vicinity of the Project. For analytical purposes, emissions associated with peak grading activities are considered for purposes of LSTs since these phases represents the maximum localized emissions that would occur. Any other construction phases of development that overlap would result in lesser emissions and consequently lesser impacts than what is disclosed herein. As shown, Project-related construction emissions would not exceed the applicable SCAQMD LSTs for CO, NO_X, PM_{10}, or $PM_{2.5}$ at the maximally impacted receptor location. All other modeled locations in the study area would experience a lesser concentration and consequently a lesser impact. Accordingly,

construction of the Project would not result in the exposure of any sensitive receptors to substantial pollutant concentrations. Therefore, localized emissions from construction of the Project would result in less than significant impacts.

Furthermore, the land use with the greatest potential exposure to Project construction DPM source emissions is Location R6 which is located approximately 8,840 feet northwest of the Project Site at an existing residence located at 11210 Fourth Street on the opposite side of I-10 and SR-60 from the Project Site. Since there are no private outdoor living areas (backyards) facing the Project Site, receptor R6 is placed at the building façade facing the Project Site. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at <0.01 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be (Refer to Draft EIR p. 4.2-35).

Lastly, with respect to the request to limit activities if the Air Quality Index (AQI) exceeds 100, it should be noted that pursuant to EPA documentation, an AQI of over 100 is generally correlated when the ambient air quality standards are exceeded. Further, AQI is monitored at a regional level and not necessarily representative of local conditions that would occur adjacent to the Project site – which is important for determining local construction impacts. As noted above, the Project does not exceed any of the applicable ambient air quality standards during construction activity as evidenced by the modeling conducted in support of the LST analysis. Because the Project would not result in a significant health risk to sensitive receptors during construction, there is no need to limit grading activities. Thus, the City determines that additional mitigation is not warranted.

B-47 The commenter requests mitigation to forbid idling of heavy equipment for more than three minutes. As discussed in Section 4.4, *Energy*, of the Draft EIR, CCR Title 13, Title 13, Motor Vehicles, Section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment or potential additional pollutants generated by starting equipment as opposed to idling. Best Available Control Measure (BACMs) inform construction equipment operators of this requirement. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints (Refer to Draft EIR p. 4.4-5). Thus, the City determines that additional mitigation is not warranted.

B-48 The commenter requests that the contractor keep a record of all equipment maintenance and data sheets, including design specifications and emission control tier classifications; and furnish such list to the lead agency or other regulators upon request. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-49 The commenter requests the requirement of on-site inspections to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, emissions resulting from the Project construction will not exceed criteria pollutant thresholds established by the SCAQMD for emissions of any criteria pollutant (refer to Draft EIR p. 4.2-31). Thus, the City determines that additional mitigation is not warranted.

B-50 The commenter requests to use paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L. The Project would be required to comply with SCAQMD Rule 1113, which serves to limit the volatile organic compounds (VOC) content of architectural coatings used on projects in the SCAQMD. Any person who supplies, sells, offers for sale, or manufactures any architectural coating for use on projects. Thus, the City determines that additional mitigation is not warranted.

B-51 The commenter requests to provide information on transit and ridesharing programs and services to construction employees. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-52 The commenter requests the provision of meal options onsite or of shuttles between the facility and nearby meal destinations for construction employees. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-53 The commenter suggests requiring that all heavy-duty vehicles engaged in drayage to or from the project site to be zero emission beginning in 2030. As discussed further below, there are several economic and infrastructure constraints that make the suggested mitigation measure infeasible today and likely well into the future. The first major issue that makes requiring all trucks accessing the Project site to be zero-emissions infeasible, is that there is not enough electrical grid power to sustainably charge these trucks. For example, one trucking company tried to electrify just 30 trucks at a terminal in Joliet, Illinois. Shortly after this plan began, local officials shut it down, commenting that it would draw more electricity than is needed to power the entire city.[3] Even more relevant, a California company attempted to electrify 12 forklifts, which require significantly less power than trucks.[4] Local power utilities told the California company that it was not possible.[5] In a May 2023 report by Resources for the Future, titled "Medium- and Heavy-Duty Vehicle Electrification: Challenges, Policy Solutions, and

[3] https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates
[4] *Id*.
[5] *Id*.

Open Research Questions," the report states that medium- and heavy-duty electric vehicle (MHDEV) charging (which may exceed several MWs of demand for large fleets) could destabilize electricity distribution systems.[6] Therefore, significant investments into the grid, transmission system, and generation capacity is required.[7] If the Project requires each and every truck entering the facility to be zero-emissions, doing so would put a significant strain on California's power grid; and a strain that the grid cannot handle in the short-term, must less sustain in the long run.

Not only can local and state electrical infrastructure not sustain fully electric trucks, the logistical and operational barriers of using such trucks is also extremely prohibitive. To gain widespread use, MHDEVs must be comparable to diesel vehicles in model options, range, recharge time, payloads, and maintenance.[8] However, MHDEVs generally have ranges below 200 miles, versus more than 1,000 miles for diesel vehicles.[9] Additionally recharge times are substantially longer than diesel refueling. For example, a clean diesel truck can spend 15 minutes fueling anywhere in the country and then travel about 1,200 miles before fueling again.[10] In contrast, today's long-haul battery electric trucks have a range of about 150-330 miles and can take up to 10 hours to charge.[11]

Moreover, fleets without a charging depot will need to rely on public charging stations. Unfortunately, significant investment must first be made before widespread public charging is feasible.[12] Lastly, weight of MHDEVs is also a significant issue that will lead to increased operational barriers. Battery-electric trucks, which run on two approximately 8,000 pound lithium ion batteries, are far heavier than clean diesel trucks.[13] Because trucks are subject to strict federal and state weight limits, as seen by weighing stations throughout California and the United States, requiring zero-emission battery electric trucks will significantly decrease the payload of each truck, thus requiring more trucks to be on the road and increasing both traffic congestion and tailpipe emissions.[14]

Finally, if the above challenges were not enough, there is a significant constraint in sourcing enough raw minerals needed to produce the lithium-ion batteries uses in zero-emission trucks. For example, tens of millions of tons of cobalt, graphite, lithium, and nickel will need to be produced.[15] It is estimated that it could take up to 35 years to acquire all the minerals needed to generate enough truck batteries for current levels of global production.[16] Additionally,

[6] https://media.rff.org/documents/Report_23-03_v3.pdf.
[7] *Id*.
[8] *Id*.
[9] *Id*.
[10] https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates
[11] *Id*.
[12] https://media.rff.org/documents/Report_23-03_v3.pdf.
[13] https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates
[14] *Id*.
[15] https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates
[16] *Id*.

expanding capacity and sourcing this amount of material creates massive environmental effects, that in some respects could exceed the emissions of current clean-diesel trucks.[17]

An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs §15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible.

Further, SCAQMD recently adopted a Warehouse Indirect Source Rule, Rule 2305, in May 2021. Rule 2305 applies to warehouse operators and owners of warehouses greater than or equal to 100,000 square feet of indoor floor space within a single building that may be used for warehousing activities. The Project includes the development of 270,337 sf speculative warehouse and office building and would be subject to compliance with Rule 2305. Since the proposed Project will not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305; however, future tenants will be obligated to comply with its provisions. In general, the Rule establishes the Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, which is a points system that is based upon the actual number of trucks that come to and leave the warehouse. Each year the operator will be obligated to determine how many points the warehouse is required to achieve using a formula set out in the Rule. If the required number of points are not achieved, the warehouse operator would be required to pay a fee to the SCAQMD, which would use collected funds to improve air quality. Although compliance with Rule 2305 is not mitigation and the SCAQMD has not published a nexus study showing how the use of collected funds has nexus to the warehouse's air quality impacts, the program is intended to reduce air quality effects associated with the warehouse industry, including the Project, throughout the Air Basin. Compliance with Rule 2305 would reduce air quality effects associated with the warehouse industry, including the Project, throughout the air basin, although quantification of such reductions is not feasible at this time. Thus, the City determines that additional mitigation is not warranted.

B-54 The commenter requests to require all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-55 The commenter requests mitigation to require tenants to use zero-emission light- and medium-duty vehicles as part of business operations. Refer to response to Comment B-53 regarding the feasibility of using zero-emission vehicles.

[17] *Id*.

B-56 The commenter requests mitigation to forbid trucks from idling for more than three minutes and requiring operators to turn off engines when not in use. The Project shall comply with California Code of Regulations Title 13, Division 3, Chapter 10, Article 1, Section 2485, "Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, limits nonessential idling to five minutes or less for commercial trucks. Thus, the City determines that additional mitigation is not warranted.

B-57 The commenter requests to post both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-58 The commenter requests installation of solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-59 The commenter request to design all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-60 The commenter requests that the Project construct zero-emission truck charging/fueling stations proportional to the number of dock doors at the project. As stated in response to Comment B-53 requiring zero-emission vehicles is currently technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for EV truck charging stations is unknown and technologically infeasible. Thus, the City determines that additional mitigation is not warranted.

B-61 The commenter requests that the Project run conduit to designated locations for future electric truck charging stations. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-62 The commenter request that unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-63 The commenter requests mitigation to oversize electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-64 The commenter requests the Project construct and maintain electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance). As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Additionally, of the 251 on-site passenger vehicle spaces, 25 would be designated as electric vehicle parking stalls (Refer to Draft EIR p. 3-6). Thus, the City determines that additional mitigation is not warranted.

B-65 The commenter requests the Project run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-66 The commenter requests the installation and maintenance, at the manufacturer's recommended maintenance intervals, of air filtration systems at sensitive receptors within a certain radius of facility for the life of the project. As discussed in Section 4.2, *Air Quality*, of the Draft EIR, the nearest maximally exposed individual receptor to the Project site is Location R6 which is located approximately 8,840 feet northwest of the Project Site at an existing residence located at 11210 Fourth Street on the opposite side of I-15 and I-10 from the Project Site. As concluded in Table 4.2-10, *Localized Construction-Source Emissions Summary*, construction of the Project would not result in the exposure of any sensitive receptors to substantial pollutant concentrations (refer to Draft EIR p. 4.2-33). Similarly, Table 4.2-11, *Localized Operational-Source Emissions Summary*, concluded that operational emissions would not exceed the

SCAQMD's localized significant thresholds at the maximally impacted receptor location. (refer to Draft EIR p. 4.2-34). Thus, the City determines that additional mitigation is not warranted.

B-67 The commenter requests the installation and maintenance, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. As stated above in response to Comment B-66, the Project would not result in significant air quality related health risk impacts during construction or operation, therefore additional mitigation is not warranted.

B-68 The commenter requests mitigation to require all stand-by emergency generators to be powered by a non-diesel fuel. Emergency generators would only be used in emergency power failure or for routine testing and maintenance. Such intermittent use would not a substantial amount of emissions, since by the very nature of the activity, it would be short-term, intermittent, and infrequent. Requiring that emergency generators to be powered by non-diesel fuel would not result in a significant reduction in air quality emission impacts. Thus, the City determines that additional mitigation is not warranted.

B-69 The commenter requests facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. Refer to response to Comment B-56 for a detailed discussion on idling of trucks and response to Comment B-74 regarding directional signs to truck routes. Thus, the City determines that additional mitigation is not warranted.

B-70 The commenter requests mitigation to establish and promote a rideshare program that discourages single occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-71 The commenter requests Project buildings meet CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Additionally, of the 251 on-site passenger vehicle spaces, 25 would be designated as electric vehicle parking stalls. Bike racks would also be provided near the building entrances and adjacent to the electrical room (Refer to Draft EIR p. 3-6). Thus, the City determines that additional mitigation is not warranted.

B-72 The commenter requests the Project design buildings to LEED green building certification standards. As discussed in Section 3.0, *Project Description*, of the Draft EIR, the Project building would be conditioned by the City of Ontario to achieve LEED standards (Refer to Draft EIR p. 3-2). Thus, the City determines that additional mitigation is not warranted.

B-73 The commenter requests mitigation requiring meal options onsite or shuttles between the facility and nearby meal destinations. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-74 The commenter requests mitigation to post signs at every truck exit driveway providing directional information to the truck route. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-75 The commenter requests that the Project Applicant improve and maintain vegetation and tree canopy for residents in and around the project area in order to reduce air quality and GHG emissions. Improving and maintaining vegetation and the tree canopy for residents in and around the Project site would not have any effect on reducing the Project's air quality and GHG emissions. Therefore, this measure is not warranted. However, the Project would provide extensive landscape on the Project site. As depicted on Figure 3-6, *Proposed Landscape Plan*, the Project would include 72,527 (12.72%) square feet of landscaping. Thus, the City determines that additional mitigation is not warranted.

B-76 The commenter requests that the Project Applicant require that every tenant (1) train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses; and (2) require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request. The Project would be subject to compliance with SCAQMD Rule 2305. As part of Rule 2305, facilities would be required to report information about facility operations to SCAQMD each year and recordkeeping of onsite operations. Therefore, the City determines that additional mitigation is not warranted.

B-77 The commenter requests that the Project Applicant require tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers. The US EPA SmartWay Program is a voluntary public-private program. The Project Applicant or City cannot control the types of trucks coming to the Project site. Because building occupants/tenants are not yet identified, it is highly speculative to assume that the building occupants/tenants will own or control a fleet of trucks. The large majority of warehouses are

served by contracted trucking companies and independent drivers and the building occupant/tenant may have no control over the truck engine type, in which case the building occupant/tenant would need to comply with Rule 2305's requirements through a suite of equivalent measures or payment of the required fee to reduce Air Quality impacts as required by the Rule. Thus, the City determines that additional mitigation is not warranted.

B-78 The commenter requests to provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets. As concluded in Section 4.2, *Air Quality*, of the Draft EIR, Project operation-source emissions would not exceed the SCAQMD regional thresholds of significance for any criteria pollutants even when not taking into account of existing development emissions (Refer to Draft EIR pp. 4.2-31 to 4.2-32). Thus, the City determines that additional mitigation is not warranted.

B-79 The commenter makes a concluding, conclusory comment that the suggested mitigation measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. Refer to response to Comments B-41 to B-78 for a detailed discussion on the suggested mitigation measures.

The commenter also emphasizes the applicability of incorporating solar power system into the Project design as it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. Refer to response to Comment B-58 related to solar photovoltaic systems onsite. Thus, no further response is required.

B-80 The commenter states that a revised Draft EIR should be prepared to include all feasible mitigation measures and include updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. Refer to response to Comments B-41 to B-78 for a detailed discussion on the suggested mitigation measures. Applicable mitigation measures have been incorporated to the Project at the commenter's request.

B-81 The commenter provides disclaimer remarks about the comment letter. This comment does not raise any issues concerning or relating to the adequacy of the environmental analysis provided in the Draft EIR and thus no further response is required.

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SECTION 3.0 CLARIFICATIONS AND REVISIONS

Corrections to the Draft Environmental Impact Report (EIR) text generated either from responses to comments or independently by the City, are stated in this section of the Final EIR. The information included in this section does not constitute substantial new information that requires recirculation of the Draft EIR. Section 15088.5 of the State CEQA Guidelines states in part:

> *(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:*
>
> *(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
>
> *(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
>
> *(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.*
>
> *(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*
>
> *(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

None of the information contained in this section constitutes significant new information or changes to the analysis or conclusions of the Draft EIR. There were no new significant environmental impacts identified following circulation of the Draft EIR. Likewise, there were no substantial increases in the severity of environmental impacts identified after circulation of the Draft EIR. Therefore, recirculation of the Draft EIR is not required because no new information was added to the EIR.

CLARIFICATIONS AND REVISIONS TO THE DRAFT EIR

This section includes recommended clarifications and revisions to the Draft EIR. This section is organized by respective sections of the Draft EIR. Deleted text is shown as ~~strikeout~~ and new text is underlined.

Section 4.1.2

1. Page 4-2 is hereby modified in response to Comment A-13.

The summary of projections approach is used in this EIR~~, except for the evaluation of cumulative transportation effects (for purposes of demonstrating General Plan policy compliance) and vehicular related air quality, greenhouse gas, and noise impacts, for which the analysis combines the summary of projections approach with the manual addition of past, present, and reasonably foreseeable projects ("combined approach"). The City determined the combined approach to be appropriate because long range planning documents contain a sufficient amount of information to enable an analysis of cumulative effect for all subject areas, with the exception of transportation (and vehicular-related air quality, greenhouse gas, and noise effects), which requires a greater level of detailed study. With the combined approach, the cumulative impact analyses for the air quality, greenhouse gas, noise, and transportation issue areas overstate the Project's potential cumulatively considerable impacts relative to analyses that rely solely on the list of projects approach or solely on the summary of projections approach; therefore, the combined approach provides a conservative, "worst case" analysis for the Project's cumulative air quality, greenhouse gas, noise, and transportation impacts.~~

~~For the cumulative impact analyses that rely on the summary projections approach (i.e., all issue areas with the exception of transportation and vehicular-related air quality, greenhouse gas, and noise – as described above), t~~The cumulative study area primarily includes the City of Ontario, City of Fontana, City of Upland, City of Chino, City of Rancho Cucamonga, City of Jurupa Valley, and small portions of unincorporated San Bernardino County. These jurisdictions encompass the southwestern area of San Bernardino County and nearby portion of Riverside County and have similar environmental characteristics as the Project area.